Sahibzada M. Niaz
Inter II
A.

FAMOUS

Letters & Ultimatums to the British Govt.

★ TAGORE

★ GANDHI

★ V. J. PATEL

★ SUBHAS BOSE

★ BHAGAT SINGH & B. K. DUTT

★ ALLAH BUX

★ SHYAMA PRASAD MOOKERJEE

★ FAZAL-UL-HAQ AND OTHERS

Edited & Compiled by :

DURLAB SINGH

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Famous Letters & Ultimatums to the British Government

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1945

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PREFACE

The present compilation is the result of a recommendation from a U.P. friend. He met me in Calcutta in November 1943. He was a true patriot, a genuine nationalist, a restless youngman greatly interested in the political literature of the country. He had recently read my book "the Sentinel of the East," and in it Poet Tagore's historic Letter to the Viceroy renouncing his knighthood. He was thoroughly impressed by the unique way in which the Poet Patriot gave expression to his resentment. He had also read Khan Bahadur Allah Bakhsh's Letter to the viceroy renouncing his titles and Dr. Mookerjee's letter of resignation. "Will it not be possible to compile and publish in book form these and such other historic letters written from time to time by the Indian Leaders and statesmen to the representatives of the British Government?" was at-once a suggestion and a question put to me by the young friend. The idea appealed to my mind. I made some research and the result is the present volume.

As I went on collecting the letters I was feeling a sense of legitimate pride and inspiration. I honestly felt that it is going to be a collection of rare documents indispensable for any student of Indian politics. It will not only enable the readers, to grasp the true significance and an authoritative story of India's fight for freedom but will also show how India's self-respect

protested whenever her foreign masters attempted to crush the spirit of patriotism and perpatuate their domination on the helpless people. Every letter has its own tale to tell and gives a real insight into the spirit of self sacrifice and suffering that had guided the great people in the hours of their struggle.

The book covers practically whole range of important political correspondence but still I feel that the book is not as complete as I wanted it to be. I will be gratful therefore to receive suggestions for the next edition so that the book could be enlarged and made up-to-date.

I being the editor of the present compilation and essentially responsible for all the publications turned out by the Hero publications like to avail this opportunity to say a word to my permanent readers. This firm, which today with your kind patronage and affection and with the blessings and grace of thousands of well wishers in the country is assuming the position of a national institution had a very humble begining. Neither there was any practical experience of the line at its back nor financial or literary resources at its disposal. During the small period of three or four years it struggled through all these difficulties and produced dozens of titles. I must confess, we produced books, which were not all standard or a serious study but in the atmosphere in which Hero Publications took its birth, the circumstances in which it was nourished, and the situations that it had to face at every step, there is no reason for it to be ashamed of its achievments.

We have produced popular literature which had its direct appeal to the minds of youngmen, we have produced a series of popular biographies which were widely accepted by the students community and thoroughly appreciated by the people and we have every reason to be proud of it that at such a critical time when the forces of nationalism had received a great set back in the coutry the Hero Publications kept the flag of freedom flying.

That first stage in its life is over now. If our books in the past have met your. approval please help the development of Hero Publications into a really national publishing house and write your name and address on a post card and get yourself registered on our permanent mailing list and if in any case our books have failed to get your approval kindly send us your suggestions and look forward to our publications of historical importance which we have taken to publish now under strict supervision of an efficient staff.

I thank you readers for all your patronage and affection once again.

10th January, 1945
6, Lower Mall,
Lahore.

DURLAB SINGH

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I

Poet Tagore's Letter to the Viceroy renouncing Knighthood

(The massacre of Jallianwala Bagh and the Martial Law regime in the Punjab stands as one of the blackest spots in the two centuries of British administration in India. On April 13, 1919 when a peaceful meeting was being held, General Dyer entered the only path of the Bagh and ruthlessly shot sixteen hundred rounds. This event marks the beginning of the epic struggle between the Congress and the Government which later on made its appearance in the form of Non-cooperation, Salt Satyagrah and Quit India Movements. The whole of the country was stirred by the Tragedy. Gandhiji returned his Kaisar-i-Hind medal and organised country-wide agitation and Dr. Rabindra Nath Tagore who was conferred the distinction of knighthood for his unique and subtle intelligence felt helpless and humiliated. His self-respect protested and in the course of the following historic letter renounced his title.)

Your Excellency,

The enormity of the measures taken by the Government of the Punjab for quelling some local disturbances has, with a rude shock, revealed to our minds

the helplessness of our position as British subjects in India. The disproportionate severity of the punishments inflicted upon the unfortunate people and the methods of carrying them out, we are convinced, are without parallel in the histoty of civilised governments, barring some conspicuous exceptions, recent or remote. Considering that such treatment has been meted out to a population, disarmed and resourceless, by a power which has the most terribly efficient organisation for destruction of human lives, we must strongly assert that it can claim no political expediency, far less moral justification. The accounts of the insults and sufferings undergone by our brothers in the Punjab have trickled through the gagged silence, reaching every corner of India, and the universal agony of indignation roused in the hearts of our people has been ignored by our rulers—possibly congratulating themselves for imparting what they imagine as salutary lessons. The callousness has been praised by most of the Anglo-Indian papers, which have in some cases gone to the brutal length of making fun of our sufferings, without receiving the least check from the same authority, relentlessly careful in somothering every cry of pain and expression of judgements from the organs representing the sufferers. Knowing that our appeals have been in vain and that the passion of vengance is blinding the noble vision of statesmanship of our Government, which could so easily afford to be magnanimous, as befitting its physical strength and moral tradition the very least that I can do for my

country is to take all consequences upon myself in giving voice to the protest of the millions of my countrymen, surprised to a dumb anguish of terror. The time has come when badges of honour make our shame glaring in the incongruous contact of humiliation, and I for my part wish to stand, shorn of all special distinction, by the side of those of my countrymen who, for their so-called insignificance, are liable to suffer degradation not fit for human beings. And these are the reasons which have painfully compelled me to ask Your Excellency, with due deference and regret, to relieve me of my title of Knighthood which I had the honour to accept from His Majesty the King at the hand of your predecessor for whose noblenss of heart, I still entertain great admiration.

Yours faithfully,
Rabindra Nath Tagore.

Calcutta:
6, Dwarka Nath Tagore Lane,
May 30, 1919.

II

Gandhiji's letter to the Viceroy returning Kaisar-i-Hind Gold Medal

(Mahatma Gandhi had great faith in the justice of the British. But when the Rowlatt bills were introduced in the country with a view to repress the popular demands and the British Prime Minister went back on his pledges his faith was rudely shaken. He, therefore, decided to cut all loyal connections and communicated his decision to the viceroy in the course of the following letter :—

Dated 1st August, 1920

To His Excellecy the Viceroy :

It is not without a pang that I return the Kaisar-i-Hind Gold Medal granted to me by your predecessor to my humanitarian work in South Africa, the Zulu War Medal granted in South Africa for my Services as officer incharge of the Indian Volunter Ambulance Corps in 1906 and the Boer War medal for my services as Assistant Superintendent of the Indian Volunteers Stretcher Bearer Corps during the Boer War of 1899-1900. I venture to return these medals in persuance of the scheme of non-co-operation inaugurated today in connection with the Khilafat Movement. Valuable, as these honours have been to me, I cannot wear them with an easy conscience so long as my Mussalman countrymen have to labour under a wrong done to their religious sentiment. Events that have happened during the past

months have confirmed me in the opinion that the Imperial Government have acted in the Khilafat matter in an unscrupulous, immoral and unjust manner and have been moving from wrong to wrong in order to defend their morality. I can retain neither respect nor affection for such a Government.

The attitude of the Imperial and your Excellency's Government on the Punjab question has given me additional cause for grave dissatisfaction. I had the honour as your Excellency is aware as one of the Congress Commissioner's to investigate the cases of the disorders in the Punjab during April of 1919 and it is my deliberate conviction that Sir Mechael O' Dyer was totally unfit to hold the office of Lieutenant-Governor of Punjab and that his policy was primarily responsible for infuriating the mob at Amritsar. No doubt the mob excesses were unpardonable ; incendiarism, murder of five innocent Englishmen and the cowardly assault on Miss Sherwood were most deplorable and uncalled for. But the punitive measures taken by General Dyer, Col. Frank Johnson, Col. O'-Brien, Mr. Boseworth Smith, Rai Shri Ram Sud, Mr. Malik Khan and other Officers were out of all proportion to the crime of the people and amounted to wanton cruelty and inhumanity almost unparalelled in modern times. Your Excellency's light-hearted treatment of the official crime, your exoneration of Sir Michael O dwyer, Mr. Montagus' despatch and above all the shameful ignorance of the Punjab events and callous disregard of the feelings of the Indians betrayed

by the House of Lords, have filled me with the greatest misgivings regarding the future of the Empire, have estranged me completely from the present Government and have disabled me from tendering, as I have hitherto whole-heartedly tendered my loyal co-operation.

In my humble opinion the ordinary method of agitating by way of petitions, deputations and the like is no remedy for moving to repentance a Government so hopelessly indifferent to the wellfare of its charges as the Government of India has proved to be. In European countries, condonation of such grievous wrongs as the Khilafat and the Punjab have resulted in a bloody revolution by the people. They would have resisted at all cost national emasculation such as the said wrongs imply. But half of India is too weak to offer violent resistance and the other half is unwilling to do so. I have, therefore, ventured to suggest the remedy of non-co-operation which enables those who wish, to dissociate themselves from the Government and which, if it is unattended by violence, and undertaken in an ordered manner, must compell it to retrace its steps and undo the wrongs committed. But whilst I shall pursue the policy of Non-Co-operation in so far as I cannot carry the people with me, I shall not lose hope that you will yet see your way to do justice. I, therefore, respectfully ask Your Excellency to summon a conference of the recognised leaders of the people and in consultation with them find a way that would placate the Mussalmans and do reparation to the unhappy Punjab.

III

Gandhi's open letter to Lord Reading

Dated 9th February, 1922

To, His Excellency the Viceroy Delhi.

Sir,—Bardoli is a small tehsil in the Surat district in the Bombay Presidency, having a population of about 87,000 all told.

On the 29th ultimo, it decided under the presidency of Mr. Vithalbhai Patel to embark on mass civil disobedience, having proved its fitness for it in terms of the resolution of the All India Congress Committee which met at Delhi during the first week of November last. But as I am perhaps chiefly responsible for Bardoli's decision. I owe it to Your Excellency and the Public to explain the situation under which the decision has been taken.

It was intended under the resolution of the All-India Congress Committee before referred to, to make Bardoli the first unit for mass civil disobedience in order to mark the national revolt against the Government for its consistently criminal refusal to appreciate India's resolve regarding the Khilafat, the Punjab and Swaraj.

Then followed the unfortunate and regrettable riots on the 17th November last in Bombay resulting in the postponement of the step contemplated by Bardoli.

Meantime repression of a virulent type has taken place with the concurrence of the Government of India, in Bengal, Assam, the United Provinces, the Punjab, the Province of Delhi and in a way in Bihar and Orissa and elsewhere. I know that you have objected to the use of the word 'repression' for describing the action of the authorities in these Provinces. In my opinion, when an action is taken which is in excess of the requirements of the situation, it is undoubtedly repression. The looting of property, assaults on innocent people, brutal treatment of the prisoners in jails, including flogging, can in no sense be described as legal, civilized or in any way necessary. This official lawlessness cannot be described by any other term but lawless repression.

Intimidation by non-co-operators or their sympathisers to a certain extent in connection with Hartals and picketing may be admitted, but in no case can it be held to justify the wholesale suppression of peaceful volunteering or equally peaceful public meetings under a distorted use of an extraordinary law which were manifestly violent both in intention and action, nor is it possible to designate as otherwise than repression, action taken against innocent people under what has appeared to many of us as an illegal use of the ordinary law nor again can the administrative interference with the liberty of the Press under a law that is under promise of repeal be regarded as anything but repression.

The immediate task before the country, therefore, is to rescue from paralysis freedom of speech, freedom of

association, and freedom of Press.

In the present mood of the Government of India and in the present un-prepared state of the country in respect of complete control of the forces of violence, non-co-operators were unwilling to have anything to do with the Malaviya Conference whose object was to induce Your Excellency to convene a Round Table Conference. But as I was anxious to avoid all avoidable suffering, I had no hesitation in advising the Working Committee of the Congress to accept the recommendations of that Conference.

Although, in my opinion. the terms were quite in keeping with your own requirements, as I understood them through your Calcutta speech and otherwise, you have summarily rejected the proposal.

In the cirumstances, there is nothing before the country but to adopt some non-violent method for the enforcement of its demands, including the elementary rights of free speech, free association, and free Press. In my humble opinion, the recent events are a clear departure from the civilized policy laid down by Your Excellency at the time of the generous, manly and unconditional apology of the Ali Brothers, *viz.*, that the Government of India should not interfere with the activities of non-co-operation so long as they remained non-violent in word and deed. Had the Government policy remained neutral and allowed public opinion to ripen and have its full effect, it would have been possible to advise postponement of the adoption of civil disobedience of an aggressive type till the Congress had acquired fuller control over the forces of violence in the

country and enforced greater discipline among the millions of its adherents. But the lawless repression (in a way unparalleled in the history of this unfortunate country) has made immediate adoption of mass civil disobedience an imperative duty.

But before the poeple of Bardoli actually commence mass civil disobedience, I would respectfully urge you as the head of the Government of India finally to revise your policy and set free all the non-co-operating prisoners who are convicted or under trial for non-violent activities and declare in clear terms the policy of absolute non-interference with all non-violent activities in the country whether they be regarding the redress of the Khilafat or the Punjab wrongs, or Swaraj or any other purpose and even though they fall within the repressive sections of the Penal Code or the Criminal Procedure Code or other repressive laws subject always to the condition of non-violence. I would further urge you to free the Press from all administrative control and restore all the fines and forfeitures recently imposed. In thus urging I am asking Your Excellency to do what is to-day being done in every country which is deemed to be under civilized Government. If you can see your way to make the necessary declaration within seven days of the date of publication of this manifesto, I shall be prepared to advise postponement of Civil Disobedience of an aggressive character till the imprisoned workers have after their discharge reviewed the whole situation and considered the position *de novo*. If the Government make the requested declaration, I shall regard it as

an honest desire on its part to give effect to public opinion and shall, therefore, have no hesitation in advising the country to be engaged in further moulding the public opinion without violent restraint from either side and trust to its working to secure the fulfilment of its unalterable demands. Aggressive Civil Disobedience in that case will be taken up only when the Government departs from its policy of strictest neutrality or refuses to yield to the clearly expressed opinion of the majority of the people of India.

Yours Sincerly,
M. K. GANDHI.

IV

Gandhi's famous Letter to Lord Irwin.

The period between 1923 to 1927 was one of internal conflicts within the Congress ranks and of communal riots within the country. The people of India had lost all hopes in the justice of the Government and the youth of the country were getting impatient to achieve Independence. Uptill 1928 the demand of the Congress had been the attainment of Dominion Status as embodied in the Nehru constitution but there was no response on the part of the Government. In Calcutta Congress Gandhiji's compromise resolution gave an ultimatum for twelve months but even then Government was not moved except a vague and indefinite announcement that Lord Irwin made in October 1929. The Lahore Congress declared complete Independence as its goal and Gandhiji was authorised to lead the country towards its attainment. This led to the famous Dharasana Salt Raid. Before launching the Satyagrah Gandhiji addressed the following letter to Lord Irwin.

SATYAGRAHA ASHRAM.
Sabarmati, March 2nd, 1930.

DEAR FRIEND,

Before embarking on Civil Disobedience and taking the risk I have dreaded to take all these years, I would fain approach you and find a way out.

My personal faith is absolutely clear. I cannot intentionally hurt anything that lives, much less fellow human beings, even though they may do the greatest wrong to me and mine. Whilst, therefore, I hold the British rule to be a curse, I do not intend harm to a single Englishman or to any legitimate interest he may have in India.

I must not be misunderstood. Though I hold the British rule in India to be a curse, I do not, therefore, consider Englishmen in general to be worse than any other people on earth. I have the privilege of claiming many Englishmen as dearest friends. Indeed much that I have learnt of the evil of British rule is due to the writings of frank and courageous Englishmen who have not hesitated to tell the unpalatable truth about that rule.

And why do I regard the British rule as a curse ?

It has impoverished the dumb millions by a system of progressive exploitation and by a ruinously expensive military and civil administration which the country can never afford.

It has reduced us politically to serfdom. It has sapped the foundations of our culture. And, by the policy of cruel disarmament, it has degraded us spiritually. Lacking the inward strength, we have been reduced, by all but universal disarmament, to a state bordering on cowardly helplessness.

In common with many of my countrymen, I had hugged the fond hope that the proposed Round Table Conference might furnish a solution. But when you

said plainly that you could not give any assurance that you or the British Cabinet would pledge yourselves to support a scheme of full Dominion Status, the Round Table Conference could not possibly furnish the solution for which vocal India is consciously, and the dumb millions are unconsciously, thirsting. Needless to say there never was any question of Parliament's verdict being anticipated. Instances are not wanting of the British Cabient, in anticipation of the Parliamentary verdict having pledged itself to a particular policy.

The Delhi interview having miscarried, there was no option for Pandit Moti Lal Nehru and me but to take steps to carry out the solemn resolution of the Congress arrived at in Calcutta at its Session in 1928.

But the Resolution of Independence should cause no alarm, if the words Dominion Status mentioned in your announcement had been used in its accepted sense. For, has it not been admitted by responsible British statesmen, that Dominion Status is virtual Independence? What, however, I fear is that there never has been any intention of granting such Dominion Status to India in the immediate future.

But this is all past history. Since the announcement many events have happened which show unmistakably the trend of British policy.

It seems as clear as daylight that responsible British statesmen do not contemplate any alteration in British policy that might adversely affect Britain's commerce with India or require an impartial and close scrutiny of Britain's transactions with India. If nothing

is done to end the process of exploitation India must be bled with an ever increasing speed. The Finance Member regards as a settled fact the 1.6 ratio which by a stroke of the pen drains India of a few crores. And when a serious attempt is being made through a civil form of direct action, to unsettle this fact, among many others, even you cannot help appealing to the wealthy landed classess to help you to crush that attempt in the name of an order that grinds India to atoms,

Unless those who work in the name of the nation understand and keep before all concerned, the motive that lies behind the craving for Independence, there is every danger of Independence itself coming to us so charged as to be of no value to those toiling voiceless millions for whom it is sought and for whom it is worth taking. It is for that reason that I have been recently telling the public what Independence should really mean.

Let me put before you some of the salient points.

The terrific pressure of land revenue, which furnishes a large part of the total, must undergo considerable modification in an Independent India. Even the much vaunted permanent settlement benefits the few rich zamindars, not the ryots. The ryot has remained as helpless as ever. He is a mere tenant at will. Not only then, has the land revenue to be considerably reduced, but the whole revenue system has to be so revised as to make the ryot's good its primary concern. But the British system seems to be designed to crush the very life out of him. Even the salt he must use to live is so taxed as to make the burden fall heaviest on

him, if only because of the heartless impartiality of its incidence. The tax shows itself still more burdensome on the poor man when it is remembered that salt is the one thing he must eat more than the rich man both individually and collectively. The drink and drug revenue, too, is derived from the poor. It saps the foundations both of their health and morals. It is defended under the false plea of individual freedom, but in reality is maintained for its own sake. The ingenuity of the authors of the reforms of 1919 transferred this revenue to the so-called responsible part of dyarchy, so as to throw the burden of prohibition on it, thus, from the very beginning, rendering it powerless for good. If the unhapppy minister wipes out this revenue he must starve education, since in the existing circumstances he has no new source of replacing that revenue. If the weight of taxation has crushed the poor from above, the destruction of the central supplementary industry, *i. e.*, hand-spinning, has undermined their capacity for producing wealth. The tale of India's ruination is not complete without reference to the liabilities incurred in her name. Sufficient has been recently said about these in the public press. It must be the duty of a free India to subject all the liabilities to the strictest investigation, and repudiate those that may be adjudged by an impartial tribunal to be unjust and unfair.

The iniquities sampled above are maintained in order to carry on a foreign administration, demonstrably the most expensive in the world. Take your own salary. It is over Rs. 21,000 per month, besides

many other indirect additions. The British Prime Minister gets £5000 per year, *i.e.*, over Rs. 5,400 per month at the present rate of exchange. You are getting over Rs. 700 per day against India's average income of less than annas 2 per day. The Prime Minister gets Rs. 180 per day against Great Britain's average income of nearly Rs. 2 per day. Thus you are getting much over five thousand times India's average income. The British Prime Minister is getting only ninety times Britain's average income. On bended knee I ask you to ponder over this phenomenon. I have taken a personal illustration to drive home a painful truth. I have too great a regard for you as a man to wish to hurt your feelings. I know that you do not need the salary you get. Probably the whole of your salary goes for charity. But a system that provides for such an arrangement deserves to be summarily scrapped. What is true of the Viceregal salary is true generally of the whole administration.

A radical cutting down of the revenue, therefore, depends upon an equally radical reduction in the expenses of the administration. This means a transformation of the scheme of Government. This transformation is impossible without Independence. Hence, in my opinion, the spontaneous demonstration of 26th January, in which hundreds of thousands of villagers instinctively participated. To them Independence means deliverance from the killing weight.

Not one of the great British political parties, it seems to me, is prepared to give up the Indian spoils to

which great Britain helps herself from day to day, often in spite of the unanimous opposition of Indian opinion.

Nevertheless, if India is to live as a Nation, if the slow death by starvation of her people is to stop, some remedy must be found for immediate relief. The proposed Conference is certainly not the remedy. It is not a matter of carrying conviction by arguments. The matter resolves itself into one of matching forces. Conviction or no conviction, Great Britain would defend her Indian commerce and interests by all the forces at her command. India must consequently evolve force enough to free herself from that embrace of death.

It is common cause that, however disorganised, and, for the time being, insignificant, it may be, the party of violence is gaining ground and making itself felt. Its end is the same as mine. But I am convinced that it cannot bring the desired relief to the dumb millions. And the conviction is growing deeper and deeper in me that nothing but unadulterated non-violence can check the organised violence of the British Government. Many think that non-violence is not an active force. My experience, limited though it undoubtedly is, shows that non-violence can be an intensely active force. It is my purpose to set in motion that force as well against the organised violent force of the British rule as the unorganised violent force of the growing party of violence. To sit still would be to give rein to both the forces above-mentioned. Having an unquestioning and immovable faith in the efficacy of non-

violence, as I know it, it would be sinful on my part to wait any longer.

This non-violence will be expressed through civil disobedience, for the moment confined to the inmates of the Satyagraha Ashram, but ultimately designed to cover all those who choose to join the movement with its obvious limitation.

I know that in embarking on non-violence, I shall be running what might fairly be termed a mad risk. But the victories of truth have never been won without risk, often of the gravest character. Conversion of a nation that has consciously or unconsciously preyed upon another, far more numerous, far more ancient and no less cultured than itself, is worth any amount of risk.

I have deliberately used the word conversion. For my ambition is no less than to convert the British people through non-violence, and thus make them see the wrong they have done to India. I do not seek to harm your people. I want to serve them even as I want to serve my own. I believe that I have always served them. I served them up to 1919 blindly. But when my eyes were opened and I conceived non-co-operation, the object still was to serve them. I employed the same weapon that I have in all humility successfully used against the dearest members of my family. If I have equal love for your people with mine it will not long remain hidden. It will be acknowledged by them even as the members of my family acknowledged it after they had tried me for several years. If the people join me as I expect they will, the sufferings they will undergo,

unless the British nation sooner retraces its steps, will be enough to melt the stoniest hearts.

The plan through Civil Disobedience will be to combat such evils as I have sampled out. If we want to sever the British connection it is because of such evils. When they are removed the path becomes easy. Then the way to a friendly negotiation will be open. If the British commerce with India is purified of greed, you will have no difficulty in recognising our Independence. I respectfully invite you then to pave the way for immediate removal of those evils, and thus open a way for a real conference between equals, interested only in promoting the common good of mankind through voluntary fellowship and in arranging terms of mutual help and commerce equally suited to both. You have unnecessarily laid stress upon the communal problems that unhappily affect this land. Important though they undoubtedly are for the consideration of any scheme of Government, they have little bearing on the greater problems which are above communities and which affect them all equally. If you cannot see your way to deal with these evils and my letter makes no appeal to your heart, on the 11th day of this month, I shall proceed with such co-workers of the Ashram as I can take, to disregard the provisions of the Salt laws. I regard this tax to be the most iniquitous of all from the poor man's stand-point. As the Independence movement is essentially for the poorest in the land the beginning will be made with this evil. The wonder is that we have submitted to the cruel monopoly for so long. It

is, I know, open to you to frustrate my design by arresting me. I hope that there will be tens of thousands ready in a disciplined manner, to take up the work after me and, in the act of disobeying the Salt Act to lay themselves open to the penalties of a law that should never have disfigured the Statute Book.

I have no desire to cause you unnessary embarrassment, or any at all, so far as I can help. If you think that there is any substance in my letter, and if you will care to discuss matters with me, and if to that end you would like me to postpone publication of this letter, I shall gladly refrain on receipt of a telegram to that effect soon after this reaches you. You will, however, do me the favour not to deflect me from my course unless you can see your way to conform to the substance of this letter.

This letter is not in any way intended as a threat but is a simple and sacred duty peremptory on a civil resister. Therefore I am having it specially delivered by a young English friend who believes in the Indian causes and is a full believer in non-violence and whom Providence seems to have sent to me, as it were, for the very purpose.

I remain,
Your sincere friend.
M. K. GANDHI.

V

Gandhi's Ultimatum to Lord Irwin

Dear Friend,

God willing, it is my intention to set out for Dharasana and reach there with my companions and demand possession of the Salt Works. The puplic have been told that Dharasana is private property. This is mere camouflage. It is as effectively under Government control as the Viceroy's House. Not a pinch of salt can be removed without the previous sanction of the authorities.

It is possible for you to prevent this raid, as it has been playfully and mischievously called, in three ways:

1. By removing the salt tax ;
2. By arresting me and my party unless the country can, as I hope it will, replace every one taken away ;
3. By sheer *goondaism* unless every head broken is replaced, as I hope it will.

It is not without hesitation that the step has been decided upon. I had hoped that Government would fight the civil resisters in a civilised manner. I could have had nothing to say if in dealing with the civil resisters the Government had satisfied itself with applying the ordinary processes of law. Instead, whilst the known leaders have been dealt with more or less

according to the legal formality, the rank and file has been often savagely and in some cases even indecently assaulted. Had these been isolated cases, they might have been overlooked. But accounts have come to me from Bengal, Behar, Utkal, U. P. Delhi and Bombay confirming the experiences of Gujarat of which I have ample evidence at my disposal. In Karachi, Peshawar and Madras the firing would appear to have been unprovoked and unnecessary. Bones have been broken, private parts have been squeezed for the purpose of making volunteers give up, to the Government valueless, to the volunteers precious salt. At Mathura an Assistant Magistrate is said to have snatched the national flag from a ten year old boy. The crowd that demanded restoration of the flag thus illegally seized, is reported to have been mercilessly beaten back. That the flag was subsequently restored betrayed a guilty conscience. In Bengal there seem to have been only a few prosecutions and assaults about salt, but unthinkable cruelties are said to have been practised in the act of snaching flags from volunteers. Paddy fields are reported to have been burnt, eatables forcibly taken. A vegetable market in Gujarat has been raided because the dealers would not sell vegetables to officials. These acts have taken place in front of crowds who, for the sake of Congress mandate have submitted without retaliation. I ask you to believe the accounts given by men pledged to truth. Repudiation even by high officials has, as in the Bardoli case, often proved false. The officials, I regret to have to say, have not hesitated

to publish falsehoods to the people even during the last five weeks. I take the following samples from Government notices issued from Collector's offices in Gujerat:

1. ' Adults use five pounds of salt per year, therefore, pay three annas per head as tax..... If Government romoved the monoply people will have to pay higher prices and in addition make good to the Government the loss sustained by the removal of the monopoly...... The salt you take from the sea shore is not eatable, therefore, the Government destroys it.'

2. 'Mr. Gandhi says that Government has destoryed handspinning in this country, whereas everybody knows that this is not true, because throughout the country, there is not a village where handspinning of cotton is not going on. Moreover in every province cotton spinners are shown superior methods and are provided with better instruments at less price and are thus helped by Government.'

3. ' Out of every five rupees of the debt that the Government has incurred rupees four have been beneficially spent.'

I have taken these three sets of statements from three different leaflets. I venture to suggest that every one of these statements is demonstrably false. The daily consumption of salt by an adult is three times the amount stated and, therefore, the poll tax that the salt tax undoubtedly is, is at least 9 as per head per year. And this tax is levied from man, woman, child and domestic cattle irrespective of age and health.

It is a wicked falsehood to say that every village has

a spinning wheel, and that the spinning movement is in any shape or form encouraged or supported by the Government. Financiers can better dispose of the falsehood that four out of every five rupees of the public debt is used for the benefit of the public. But those falsehoods are mere samples of what poeple know is going on in everday contact with the Government. Only the other day a Gujarati poet, a brave man, was convicted on perjured official evidence in spite of his emphatic statement that at the time mentioned he was sleeping soundly in another place.

Now for instance of official inactivities. Liquor dealers have assaulted pickets admitted by officials to have been peaceful and sold liquor in contravention of regulations. The officials have taken no notice either of the assaults or the illegal sales of liquor. As to the assaults, though they are known to everybody, they may take shelter under the plea that they have received no complaints.

And now you have sprung upon the country a Press Ordinance surpassing any hitherto known in India. You have found a short cut through the law's delay in the matter of the trial of Bhagat Singh and others by doing away with the ordinary procedure. Is it any wonder if I call all these official activities and inactivities a veiled form of Martial Law ? Yet this is only the fifth week of the struggle !

Before then the reign of terrorism that has just begun overwhelms India, I feel that I must take a bolder step, and if possible, divert your wrath in

cleaner if more drastic channel. You may not know the things that I have described. You may not even now believe in them. I can but invite your serious attention to them.

Any way I feel that it would be cowardly on my part not to invite you to disclose to the full the leonine paws of authority so that the people who are suffering tortures and destruction of their property may not feel that I, who had perhaps been the chief party inspiring them to action that has brought to right light the Government in its true colours, had left any stone unturned to work out the Satyagraha programme as fully as it was possible under given circumstances.

For, according to the science of Satyagraha, the greater the repression and lawlessness on the part of authority, the greater should be the suffering courted by the victims Success in the certain result of suffering of the extremist character, voluntarily undergone.

I know the dangers attendant upon the methods adopted by me. But the country is not likely to mistake my meaning. I say what I mean and think. And I have been saying for the last fiften years in India and outside for twenty years more and repeat now that the only way to conquer violence is through non-violence pure and undefiled. I have said also that every violent act, word and even thought interferes with the progress of non violent action. If inspite of such repeated warnings people will resort to violence, I must disown responsibility save such as inevitably attaches to every human being for the acts of every other human

being. But the question of responsibility apart, I dare not postpone action on any cause whatsoever, if non-violence is the force the seers of the world have claimed it to be and if I am not to belie my own extensive experince of its working.

But 1 would fain avoid the further step. I would, therefore, ask you to remove the tax which many of your illustrious countrymen have condemned in unmeasured terms and which, as you could not have failed to observe, has evoked universal protest and resentment expressed in civil disobedience. You may condemn civil disobedience as much as you like. Will you prefer violent revolt to civil disobedience ? If you say, as you have said, that the civil disobedience must end in violence, history will pronounce the verdict that British Government not bearing because not understanding non-violence goaded human nature to violence, which it could understand, and deal with. But inspite of the goading I shall hope that God will give the people of India wisdom and strength to withstand every temptation and provocation to violence.

If, therefore, you cannot see your way to remove the salt tax, and remove the prohibition on private salt-making, I must reluctantly commence the march adumbrated in the opening paragraph of my letter.

I am,

Your sincere friend,

M. K GANDHI.

VI

Gandhi Wellingdon Exchanges

1. *When Gandhi came back from the Round Table Conference he found atmosphere in India quite different. The new Viceroy Lord Willingdon who had come to India with set designs to crush the National Movement in India openly flouted the terms of the Gandhi Irwin Pact. Indiscriminate arrests and repression became the order of the day. Immediately after landing in Bombay, therefore, the Mahatma sent the following telegram to His Excellency the Viceroy, on the 29th December, 1931.*

"I was unprepared on landing yesterday to find Frontier and U. P. Ordinances, shootings in Frontier and arrests of valued comrades in both, on top of Bengal Ordinance awaiting me. I do not know whether I am to regard these as indication that friendly relations between us are closed or whether you expect me still to see you and receive guidance from you as to course I am to pursue in advising Congress. I would esteem wire in reply."

2. *Telegram from the Private Secretary to the Viceroy, to Mr. Gandhi, dated the 31st December, 1931.*

No. 306 C. " His Excellency desires me to thank you for your telegram of the 29th instant in which you

refer to Bengal and Untited Provinces and N.W.F.P. Ordinances. In regard to Bengal it has been and is necessary for Government to take all possible measures to prevent dastardly assassination of their officers and private citizens.

2. "His Excellency wishes me to say that he and his Government desire to have friendly relations with all political parties and with all sections of the public and in particular to securing co-operation of all in great work of constitutional reforms which they are determined to push forward with minimum delay. Co-operation, however, must be mutual and His Excellency and his Government cannot recocnile activities of Congress in the United Provinces and N. W. F. P. with spirit of friendly co-operation which good of India demands.

3. "As regards United Provinces you are doubtless aware that while the Local Government were engaged in devising means to give all possible relief in the existing situation, the Provincial Congress Committee authorised a no-rent campaign which is now being vigorously pursued by Congress organisations in that province. This action on the part of Congress bodies has compelled Government to take measures to prevent a general state of disorder and spreading of class and communal hatred which campaign, if continued unchecked, would inevitably involve.

4. "In North-West Frontier Province Abdul Gaffar Khan and bodies he controlled have continuously engaged in activities against Government and in fomenting racial hatred. He and his friends have persistently

refused all overtures by the Chief Commissioner to secure their co-operation and rejecting the declaration of the Prime Minister, have declared in favour of complete independence. Abdul Gaffar Khan has delivered numerous speeches open to no other construction than as incitements to revolution and his adherents have attempted to stir trouble in tribal area. The Chief Commissioner with the approval of His Excellency's Government has shown utmost forbearance and to the last moment continued his efforts to secure assistance of Abdual Gaffar in carrying into effect with the least possible delay, the intentions of His Majesty's Government regarding constitutional reforms in the province. The Government refrained from taking special measures until activities of Abdul Gaffar Khan and his associates and in particular open and intensive preparation for an early conflict with Government created a situation of such grave meance to peace of province and of tribal areas as to make it impossible further to delay action. His Excellency understands that Abdul Gaffar Khan was in August last made responsible for leading Congress movement in province ; and that volunteer organisations he controlled were specially recognised by All-India Congress Committee as Congress organisations. His Excellency desires me to make it clear that his responsibilities for peace and order make it impossible for him to have any dealing with persons or organizations upon whom rests the responsibility for activities above outlined. You have yourself been absent from India on the business of Round Table Conference and

in light of the attitude which you have observed there, His Excellency is unwilling to believe that you have personally any share in responsibility for or that you approve of recent activities of Congress in the United Provinces and North-West Frontier Province. If this is so, he is willing to see you and to give you his views as to the way in which you can best exert your inflnence to maintain a spirit of co-operation which animated proceedings of Round Table Conference, but His Excellency feels bound to emphasise that he will not be prepared to discuss with you measures which Government of India with the full approval of His Majesty's Government have found it necessary to adopt in Bengal, United Provinces and North-West Frontier Province. These measures must in any case be kept in force until they have served purpose, for which they were imposed, namely preservation of law and order essential to good Government. On receipt of your reply, His Excellency proposes to publish this correspondence."

3. *Telegram from Mr. Gandhi, to the Private Secretary to His Excellency the Viceroy, dated the 1st January, 1932.*

"I thank His Excellency for wire in reply to mine of 29th instant. It grieves me. For his Excellency has rejected in a manner hardly befitting his high position, an advance made in friendliest spirit. I had approached as seeker wanting light on questions while I desired to understand Government version of very serious and extraordinary measures to which I made

reference. Instead of appreciating my advance, His Excellency has rejected it by asking me to repudiate my valued colleagues in advance and telling me that even if I become guilty of such dishonourable conduct and sought an interview, I could not even discuss these matters of vital importance to the nation.

"In my opinion, constitutional issue dwindles into insignificance in face of ordinances and acts which must, if not met with stubborn resistance, end in utter demoralisation of nation. I hope no self-respecting Indian will run risk of killing national spirit for a doubtful contingency of securing a constitution to work which no nation with a stamina may be left. Let me also point out that as to the Frontier Province, your telegram contains a narration of facts which, on face of them, furnish no warrant for arrests of popular leaders, passing of extra legal ordinance, making life and property utterly insecure and shooting unarmed peaceful crowds for daring to demonstrations against arrests of their trusted leaders. If Khan Saheb Abdul Gaffar asserted the right of complete independence, it was a natural claim and the claim made with impunity by the Congress at Lahore in 1929 and by me with energy put before the British Government in London. Moreover, let me remind the Viceroy that despite knowledge on Government's part that Congress mandate contained such claim, I was invited to attend London Conference as Congress delegate. Nor am I able to detect in a mere refusal to attend Durbar an offence warranting summary imprisonment. If Khan Saheb was fomenting racial

hatred, it was undoubtedly regrettable. I have his own declarations to the contrary made to me, but assuming that he did foment racial hatred, he was entitled to open trial, where he could have defended himself against accusation. Regarding United Provinces, His Excellency is surely misinformed, because there was no "no-rent" campaign authorised by Congress, but whilst negotiations were proceeding between Government and Congress representatives, the time for collection of rents actually arrived and rents began to be demanded. Congress men were, therefore, obliged to advise tenants to suspend payment pending the result of the negotiations and Mr. Sherwani had offered on behalf of the Congress to withdraw this advice if the authorities suspended collections pending negotiations. I venture to suggest that this is not a matter which can be so summarily dismissed as your wire has done. Controversy in the United Provinces is of a long standing and involves well-being of millions of peasantry known to be economically ground down. Any Government jealous of the welfare of the masses in its charge would welcome voluntary co-operation of a body like the Congress; which admittedly exercises great influence over the masses and whose one ambition is to serve them faithfully and let me add that I regard the withholding of payment of taxes as an inalienable ancient and natural right of a people who have exhausted all other means of seeking freedom from an unbearably economic burden. I must repudiate suggestion that the Congress has slightest desire to promote disorder in any shape or form.

As to Bengal the Congress is at one with the Government in condemning assassination and should heartily co-operate with the Government in measures that may be found necessary to stamp out such crimes. But whilst the Congress would condemn in unmeasured terms the methods of terrorism, it can in no way associate itself with Government terrorism as is betrayed by the Bengal Ordinance and acts done thereunder, but, must resist within the limits of its prescribed creed of non-violence, such measures of legalised Government terrorism. I heartily assent to the proposition laid down in your telegram that co-operation must be mutual but your telegram leads me irresistably to the conclusion that His Excellency demands co-operation from the Congress without returning any on behalf of Government. I can read in no other way his peremptory refusal to discuss these matters which, as I have endeavoured to show, have at least two sides. Popular side I have put, as I understand it, but before committing myself to definite judgment, I was anxious to understand the other side, *i. e.*, the Government side and then tender my advice to the Congress. With reference to the last paragraph of your telegram, I may not repudiate moral liability or the actions of my colleagues, whether in the Frontier Province or in the United Provinces, but I confess that I was ignorant of the detailed actions and activities of my colleagues whilst I was absent from India, and it was because it was necessary for me to advise and guide the Working Committee of the Congress and in order to complete my know-

ledge, I sought with an open mind and with the best of intentions an interview with His Excellency and deliberately asked for his guidance. I cannot conceal from His Excellency my opinion that the reply he has condescended to send was hardly a return for my friendly and well-meant approach, and if it is not yet too late, I would ask His Excellency to reconsider his decision and see me as a friend without imposing any condition whatsoever as to the scope or subject of discussion and I, on my part, can promise that I would study with an open mind all the facts that he might put before me. I would unhesitatingly and willingly go to the respective provinces and with the aid of the authorities study both sides of the question and if I came to the conclusion after such a study, the people were in the wrong and the Working Committee including myself were misled as to the correct position, and that the Government was right, I should have no hesitation whatsoever in making that open confession and guiding the Congress accordingly. Along with my desire and willingness to co-operate with Government I must place my limitations before His Excellency. Non-violence is my absolute creed. I believe that Civil Disobedience is not only the natural right, of people especially, when they have no effective voice in their own Government, but that it also is an effective substitute for violence or armed rebellion. I can never, therefore, deny my creed. In pursuance thereof and on the strength of uncontradicted reports supported by recent activities of the Government of India to the effect that they may be on

other opportunity for me to guide the public, the Working Committee has accepted my advice and passed resolutions tentatively sketching a plain of Civil Disobedience. I am sending herewith text of resolution. If His Excellency think it worth while to see me, operation of the resolution will be suspended pending our discussion in hope that it may result in the resolution being finally given up. I admit that correspondence between His Excellency and myself is of such grave importance as not to brook delay in publication. I am, therefore, sending my telegram, your reply, this rejoinder and Working Committee's resolution for publication."

[*Text of Resolution of Working Committee referred to above.*]

"The Working Committee has heard Mahatma Gandhi's account of his visit to the West and considered the situation created by the extraordinary Ordinances promulgated in Bengal, United Provinces and the Frontier Province and by the actions of the authorities including the numerous arrests made among those of Khan Abdul Gaffar Khan, Mr. Sherwani and Pandit Jawaharlal Nehru and by the shootings in the Frontier Province of innocent men resulting in many deaths and many more being injured. The Working Committee has also seen the telegram from His Excellency the Viceroy in reply to the telegram sent by Mahatma Gandhi to him."

"The Working Committee is of opinion that these several acts and others of lesser gravity that have taken

place in some other provinces and the telegram from His Excellency seem to make further co-operation with the Government on the part of the Congress utterly impossible unless the Government policy is radically changed. These acts and the telegram betray no intention on the part of bureaucracy to hand power to the people and are calculated to demoralise the nation. They also betray want of faith in the Congress from which co-operation is expected by the Government.

"The Working Committee yields to no one in its abhorrence of terrorism on any account whatsoever resorted to by individuals such as was recently witnessed in Bengal but it condemns with equal force terrorism practised by Government as shown by its recent acts and Ordinances. The Working Committee marks the deep national humiliation over the assassination committed by two girls in Comilla and is firmly convinced that such crime does great harm to the nation especially when through its greatest political mouthpiece—the Congress—it is pledged to non-violence for achieving Swaraj. But the Working Committee can see no justification whatsoever for the Bengal Ordinance which seeks to punish a whole people for the crime of a few. The real remedy lies in dealing with the known cause that prompts such crime.

"If Bengal Ordinance has no justification for its existence the Ordinances in the United Provinces and the Frontier Province have still less. The Working Committee is of opinion that the measures taken by the Congress in the United Provinces for obtaining agrarian

relief are and can be shown to be justified. The Working Committee holds that it is the unquestionable right of all people suffering from grave economic distress as the tenantry of the United Provinces is admittedly suffering to withhold payment of taxes if they fail as in the United Provinces they have failed to obtain redress by other constitutional methods.

"In the arrest and imprisonment of Mr. Sherwani, the President of the United Provinces Congress Committee, and Pt. Jawaharlal Nehru, the Working General Secretary of the Congress, who were proceeding to Bombay to confer with Mahatma Gandhi and to take part in the meeting of the Working Committee, the Government have gone even beyond the limits contemplated by their Ordinance in that there was no question whatsoever of these gentlemen taking part in Bombay in a no-tax campaign in the United Provinces.

"So far as the Frontier Province is concerned on the Government's own showing there appears to be no warrant for either the promulgation of the Ordinance or the arrest and imprisoment without trial of Khan Abdul Gaffar Khan and his co-workers. The Working Committee regards the shooting in that Province of innocent and unarmed men to be wanton and inhuman, congratulates the brave men of the Frontier Province retain theve non-violent spirit in spite of the gravest provocations, their blood and their sufferings would advance the cause of India's independence.

"The Working Committee calls upon the Government of India to institute a public and impartial

enquiry into the events that have led up to the passing of these Ordinances, the necessity of superseding the ordinary courts of Law and Legislative machinery and the necessity of several acts committed thereunder. And thereafter if a proper enquiry is set up and all facilities are given to the Working Committee for the production of evidence it will be prepared to assist the enquiry by leading evidence before it.

"The Working Committee has considered the declaration of the Prime Minister made before the Round Table Conference and the debates in the Houses of Parliament and regards the declaration as wholly unsatisfactory and inadequate in terms of the Congress demand and places on record its opinion that nothing short of complete independence carrying full control over the defence and external affairs and finance with such safeguards as may be demonstrably necessary in the interest of the nation can be regarded by the Congress as satisfactory.

"The Working Committee notes that the British Government was not prepared at the Round Table Conference to regard the Congress as representing and entitled to speak and act on behalf of the nation as a whole without distinction of caste, creed or colour. At the same time the Committee recognises with sorrow that communal harmony could not be attained at the said conference. The Working Committee invites the nation, therefore, to make ceaseless effort to demonstrate the capacity of the Congress to represent the nation as a whole and promote an atmosphere that

would make a constitution framed on a purely national basis acceptable to the various communties composing the nation. Meanwhile the Working Committee is prepared to tender co-operation to the Government provided His Excellency the Viceroy reconsiders his telegram and adequate relief is granted in respect of the Ordinances and its recent acts, free scope is left to the Congress in any future further negotiations to prosecute the Congress claim for complete independence and the administration of the country is carried on in consultation with popular representatives, pending the attainment of such independence.

"The absence of any satisfactory response from the Government in terms of the foregoing paragraph, the Working Committee will regard it as an indication on the part of tha Government that it has reduced to nullify the Delhi pact. In the event of a satisfactory response not forthcoming the Working Committee calls upon the nation to resume Civil Disobedience including non-payment of taxes under the following conditions and illustrative heads :—

(1) No Province or district or tahsil or village is bound to take up Civil Disobedience unless the people thereof understand the non-violent nature of the struggle with all its implications and are ready to undergo sufferings involving loss of life and property.

(2) Non-violence must be observed in thought, word and deed in the face of the gravest provocation, it being understood that the campaign is not one of

seeking revenge or inflicting injuries on the oppressor but it is one of converting him through self-suffering and self-purification.

(3) Social boycott with the intention of inflicting injury on Government Officers, police or anti-nationalists should not be undertaken and is wholly inconsistent with the spirit of non-violence.

(4) It should be borne in mind that non-violent campaigns are independent of pecuniary assistance therefore there should be no hired volunteers but their bare maintenance and maintenance of the dependents of poor men and women who might have been imprisoned or killed is permissible wherever it is possible. The Working Committee, however, expects workers in the cause to continue the struggle even though they might have to suffer privations.

(5) Boycott of all foreign cloth whether British or of other countries is obligatory under all circumstances.

(6) All Congress men and women are expected to use handspun and handwoven khaddar to the exclusion of even cloth manufactured in the indigenous mills.

(7) Picketing of liquor shops and foreign cloth shops should be vigorously conducted chiefly by women but always so as to ensure perfect non-violence.

(8) Unlicensed manufacture and collection of salt should be resumed.

(9) If processions and demonstrations are organised only those should join them who will stand lathi charges or bullets without moving from their respective places.

(10) Even in non-violent war boycott of goods manufactured by the oppressors is perfectly lawful inasmuch as it is never the duty of the victim to promote or retain commercial relations with the oppressor. Therefore boycott of British goods and concerns should be resumed and vigorously prosecuted

(11) Civil breach of non-moral laws and of laws and orders injurious to the people wherever it is considered possible and advisable may be practised.

(12) All unjust orders issued under the Ordinance may be civilly disobeyed."

4. *Telegram from the Private Secretary to His Excellency the Viceroy, to Mr. Gandhi, dated the 2nd January, 1932*

No. 3-S.—"His Excellency desires me to acknowledge receipt of your telegram of 1st January which has been considered by him and his Government.

"They much regret to observe that under your advice the Congress Working Committee has passed a resolution which involves general revival of Civil Disobedience unless certain conditions are satisfied which are stated in your telegram and the resolution.

"They regard this attitude as the more deplorable in view of the declared intentions of His Majesty's Government and Government of India to expedite the policy of constitutional reform contained in the Premiers statement.

"No Government, consistent with the discharge of their responsibility, can be subject to condition sought to be imposed under the menace of unlawful action by

any political organisation, nor can the Government of India accept the position implied in your telegram that their policy should be dependent on the judgment of yourself as to necessity of measures which Government have taken after the most careful and thorough consideration of the facts and after all other possible remedies had been exhausted.

"His Excellency and his Government can hardly believe that you or the Working Committee contemplate that His Excellency can invite you, with the hope of any advantage, to an interview held under the threat of resumption of Civil Disobedience.

"They must hold you and the Congress responsible for all the consequences that may ensue from the action which the Congress have announced their intention of taking and to meet which Government will take all necessary measures."

5. *Telegram from Mr. M. K. Gandhi, to the Private Secretary to His Excellency the Viceroy dated the 3rd January, 1932.*

"Thanks your wire of even date. I cannot help expressing deep regret for decision of His Excellency and his Government. Surely it is wrong to describe honest expression of opinion as threat. May I remind Government that Delhi negotiations were opened and carried on whilst Civil Disobedience was on and that when pact was made Civil Disobedience was not given up but only discontinued. This position was reasserted and accepted by His Excellency and his Government in Simla in September last prior to my departure for London. Al-

though I had made it clear that under certain circumstances Congress might have to resume Civil Disobedience Government did not break off negotiations That it was made clear by Government that civil disobedience carried with it penalty for disobedience, merely proves what civil resisters bargain for but does not in any way affect my argument. Had Government resented attitude it was open to them not to send me to London. On the contrary my departure had His Excellency's blessings. Nor is it fair or correct to suggest that I have ever advanced the claim that any policy of Government should be dependent on my judgment. But I do submit that any popular and constitutional Government would always welcome and sympathetically consider suggestions made by public bodies and their representatives and assist them with all available information about their acts or ordinances of which public opinion may disapprove. I claim that my messages have no other meaning than what is suggested in last paragraph. Time alone will show whose position was justified. Meanwhile I wish to assure Government that every endeavour will be made on part of Congress to carry on struggle without malice and in strictly non-violent manner. It was hardly necessary to remind me that Congress and I its humble representative are responsible for all the consequences of our actions."

VII

President Patel's letter to the Governor-General challenging his authority in the Legislative Chamber.

[*The late Shyt. V. J. Patel, the first elected President of the Central Assembly had been an outstanding personality of his time. One of the greatest parliamentarians that India has produced, he had never allowed any official interference in the standing orders and traditions of the House so long as he remained the President. "Give him any constitution of the world and he would tear it into pieces." This is how Subhas Bose described him in his well-known book: The Indian Struggle 1920—1934.*] *In 1929-30 there was a great political awakening in the country and the Government with a view to repress the movement wanted to introduce one Public Safety Bill in the country with the vote of the Assembly. The patriot President ruled the bill out of order on the 11th April, 1929. The next day the Viceroy addressed both the Houses of Legislature and in the course of his speech made a certain criticism of the Presidents' ruling. The President regarded the action of the Viceroy a challenge to the dignity of the Chair. His self-respect revolted and he addressed a strong letter to the Governor-General on May 8, 1929 and received a*

reply on the 15th May. On September 2, 1929 when the next session of the Assembly met in Simla he made a statement on the floor of the house and released the correspondence that had passed between him and Lord Irwin. Below are given the statement, and the fulltext of the correspondence.

It must be mentioned here that a bomb wasals thrown in the Assembly by S Bhagat Singh and his comrade Shyt. B.K. Dutt as a mark of to protest against The Public Safety Bill.]

Statement

"I desire to make a statement on a question concerning the dignity and independence of this House, and the authority of the Chair which arose out of the address delivered in the Chamber to the members of the Central Legislature on the closing day of the last session by the Governor-General.

"As hon'ble members are aware, it has been my constant endeavour since I have been elected to the Chair to uphold he dignity and independence of this House and the authority of the Chair to the best of my capacity. I have always maintained and will contiune to mantain so long as I am in the Chair, that the House and the Chair are, subject to the Constitution, supreme within the four walls of this Chamber, and I would be unworthy of the confidence reposed in me by the House if I failed on any occasion to raise my voice in protest against any action which, in my view, seemed

to challenge or undermine the supremacy. I accordingly thought it my duty to address the following letter to His Excellency the Viceroy on the 8th May last :—

Presidents' letter

My Dear Lord Irwin,

It was with considerable pain, surprise and sorrow that I listened, the other day to your address to the two Houses of the Indian Legislature. Of course, it goes without saying that your Excellency is entitled under the constitution to summon the members of the two Houses at any time for the purpose of addressing them, but I am quite clear that Your Excellency's action in utilizing the occasion for criticising the Chair's ruling is not only imprecedented and calculated to affect both the dignity of the House and the authority of the Chair, but also constitutes, in my opinion, a departure from constitutional usage and traditions. For these reasons it is impossible for me to acquiesce in the course Your Excellency has thought it right to adopt. Such a precedent might be repeated by your successors and it is my duty, as president of Assembly, to enter my strongest protest against it, as soon as I can. The only question I am considering is whether I shall be right in making known my protest now by communication to the press or whether I should not wait till the Assembly meets, and do so more appropriately from the Chair of the Assembly. Perhaps Your Excellency will agree that though we have, in the past, more than once differed on matters relating to the

Assembly such difference have never been publically displayed. It is a matter of regret to me that Your Excellency should have departed from that practice,

The proceedings of the Assembly would have disclosed that there was to say the least, room for honest difference of opinion. The person occupying the chair had in the circumstances and in the situation that arose, to interpret the rules and lay down the procedure as best as he could in the exercise of his undoubted powers, and you yourself were frank enough to admit, in your address, that the only appropriate person to interpret is either the House of the Legislature the rule under which it works is the President of the House himself.

In the matter of the interpretation of the Rules and Standing Orders the only safe guide is to go by their language. Your Excellency will agree with me that I could only proceed on the rules and standing orders as they stand at present, and according to the best of my lights I could not go in search of the "Original intention" apart from the language of the rules. While so, it is somewhat surprising that in more than one place Your Excellency refers to yourself and to your Government not being satisfied as to my interpretation being in conformity with the original intention, on my ruling being calculated to interrupt the work of the House and upon the legislature being prevented from forming its own judgment on the question whether or not it could usefully conduct its debates. The reference to the technical difficulty

created by my ruling standing in the way of your sharing the reponsibility of protecting t he order of the state with the legislature, the intention announced in Your Excellency's address that the proper authority will so mend the rules as to prevent the President of either House from impeding the progress of legislation, all these appear to me, in the circumstances and in the context nothing short of a censure passed by Your Excellency upon my ruling.

I need hardly point out that, under the rules and standing orders I am the sole and final authority on all questions relating to order arising in the House, and if my conduct is to be impugned it can only be impugned by a direct appeal to the House upon notice of a motion properly given, when a straight issue would be laid before the House. In no other manner and by no other authority could the ruling of the Chair be subject to any criticism or censure within the Assembly Chamber of which I am the President. Such, indeed, is the sanctity attatched to the rulings of the Chair by the constitution and convention.

For obvious reasons I do not desire to embark on a discussion of the merits of the point of order before the House, though I still maintain that I was right in the ruling which I gave, and that it was the only possible ruling consistent with the fundamental right of free speech and debate of the members of the House and with its functioning as a deliberative Assembly.

It is not my purpose and indeed it is not within my province to deal with the question as to the

necessity for any amendment in the rules, nor am I concerned with the point as to whether the occasions warrant such amendment, I need hardly point out that the fact of Your Excellency having to fall back on your powers under section 72 of the Government of India Act in the circumstances that have happened, neither enters into the merits of this communication nor could it be an element in the decision I arrived at on the point of order.

I write this because it is possible that Your Excellency might not be in this country when I make my statement, and I thought it was proper that I should let you know my intentions. Since you made your speech I was searching for some precedents from the proceeding of the Parliaments of the Dominion in support of your action, and I am in a position to inform Your Excellency that never before has any representative of the Crown, such as you, have chosen to criticise any ruling of any Speaker of any of the Parliaments of the Dominions in the manner in which you have criticised my ruling.

Yours sincerely,
V. J. Patel

Viceroys' Letter.

On the 15th May I received from His Excellency the following reply :—

Dear Mr. Patel,

His Excellency has received your letter of the 8th May and desires me to thank you for the courtesy that prompted you to acquaint him with your intentions. The action which you have felt impelled to take is based upon the assumption that, in his address to the Legislature, His Excellency passed a certain criticism or censure upon your ruling. His Excellency feels that there has been in some quarters a misapprehension both of the purpose of his address and of the language which he employed to give expression to it, and therefore welcomes this apportunity of making plain in greater detail the precise implications of the action he thought it his duty, in the very difficult circumstances, to take without entering into the question of the merits of your ruling which as you correctly point out, are not now in issue.

His Excellency desires me to say that it was no part of his intention by his address, as indeed within the House he would consider it improper, either to criticise the ruling you had given or pass a censure upon you for it and His Excellency regrets that his words should have been so interpreted by yourself or by others. Such an interpretation in the circumstances in which the address was delivered was perhaps inearitable but His Excellency wishes me to make plain to you, and

through you, to the Assembly, his entire concurrence with your view that within the House it is the President, subject only to the House itself in the established form as indicated in your letter, who is the sole, final authority under the rules and standing orders on all questions relating to order that may arise. His Excellency indeed defines his position in his address by emphasising that in his view, the only person qualified to interpret within either House the rules under which it works was the President of the House concerned. His Excellency accordingly desires to confine himself to pointing out the practical results that followed from the ruling and to stating the action which in his view, was imposed upon himself and upon the government for the proper discharge of their own responsibilities.

I am desired by His Excellency to add that he fully shares your anxiety to maintain the dignity of the House and the authority of the Chair. He earnestly hopes, and has no doubt that such a hope is entertained by the President that the passage of time may see the gradual establishment, around the Chair of the Assembly in the constitutional conditions of the Indian Legislature of such a body of tradition as has, in the sphere of the House of Commons, enabled each of a long line of Speakers to be successively accepted as the impartial guide and trusted friends of all sections of the House. To this End, His Excellency trusts that he and the President may continue to co-operate. Since His Excellency has made it clear that it was not his

intention to criticise your ruling, he does not feel it necessary to discuss the arguments which you adduce upon the subject of Dominion Presidents.

As regards the question you raise as to whether you should make your position known by the publication of your letter, and of His Excellency's reply through the Press or by direct statement in the Assembly, His Excellency, would suggest that the more convenient course would be that you should read to the Assembly on as earlv a date as convenient, your letter to him, and his reply. His Excellency feels that the matter is one in which all the members of the Assembly are directly interested, and that it would be proper that the correspondence should be directly presented to them.

Yours sincerely,
G. Cunningham,

President Patel continued, "I breathed a sigh of relief when I read that reply, which, in my opinion, constitutes a sufficient vindication of the dignity and independence of this House and the authority of the Chair which I thought had been seriously assailed. The Governor-General has here made it plain that he had no intention of criticising or censuring the ruling. He has also said that he would consider it unproper for him to do so within the House, and more than that His Excellency has impressed his entire concurrence with that part of my letter which defines the position, in this respect, that, within the House,

it is only by the House itself that the ruling of the Chair can be subjected to criticism and censure. His Excellency has further made it clear, in reply, that in the circumstances in which the address was delivered, such an interpretation of his words, as I and others have put, was perhaps inevitable, and he considers it regrettable that his words should have been so interpretted. In view of what His Excellency has said I am convinced that it was not his desire to establish a precedent deregatory to the dignity of the House, and I am sure the House would agree with me that the incident must now be treated as closed.

"I desire to state in conclusion that nothing has pleased me more in His Excellency's reply than the sincere expression of his anxiety to see the establishment in this country of the best parliamentary traditions and conventions, and to co-operate with the Chair for that purpose, and I need hardly assure His Excellency and his Government that I fully echo his desire in this respect."

VIII

President Patel's Letter of resignation to Lord Irwin.

Readers must have read President Patel's correspondence with Lord Irwin with regard to his ruling on the Public Safety Bill. Mr. V. J. Patel had the unique distinction of being the first elected President of the Central Assembly. He was a great patriot and was occupying the distinguished chair with a view to do service to his country. When he found that all attempts on the part of the Congress had failed to convince the Government and that Gandhiji was forced to launch the Satyagrah he laid down his resignation of the high office and communicated his decision to the Viceroy in the course of the following letter ;—

25th April, 1930.

My dear Lord Irwin,

I hereby beg to tender my resignation of the office of President and also membership of the Indian Legislative Assembly. In doing so, I take this opportunity of giving Your Excellency some idea of the difficulties and obstacles the first elected President had to contend with in the discharge of his duties and also of stating briefly the reasons which have impelled me to tender my resignation.

I have been in the chair of Assembly since

August 1925. Strict impartiality and more than that absolute independence, have guided my conduct throughout. Neither desire for popular aplause, nor a fear of bureaucratic frown have I allowed to influence my conduct at any time. I may have made mistakes, but I can safely say with a clear conscience, to-day, that on no occasion have I been actuated by any personal or political feeling and in all that I have said or done I have, according to my poor judgment, endeavoured to consult the best interests of the Assembly and country.

By unflinching adherence to these two principles in the discharge of my duties, under circumstances however difficult, I brought down on my head the wrath of the Bureaucracy. It is no doubt true that they tolerated my adherence to these principles upto a point, but in matters that really mattered to them it was a different story. The King's Government must be carried on, and even the Speaker of the popular Assembly is expected to behave and to make it easy for the Bureaucracy to function. I gave them no quarter and refused to be a part and parcel of the administration to be subservient to them on any matter, however vital from their point of view. And in the result, harrassment and persecution was my lot at least for the last three years. The Chair has been a bed of thorns for me all throughout. They went to the length of organising and carrying out a social boycott of the President of the Assembly. They condoned, to use a milder term, all sorts of attacks in the press, and other-

wise, on the impartiality of the Chair in the most unbecoming language imaginable.

I could not retaliate nor could I speak out, and had to bear all this in solemn silence all the time. The only relief I had was when on occasions I spoke out my mind to some extent to Your Excellency in private. The authority of the Chair and the dignity of the House were matters of no concern to them, or rather it was their special concern, on occasions, to endeavour to undermine them and lower the Chair in the estimation of the public.

"As if this was not enough a clique of underlings, determined on a campaign of vilification, abuse and misrepresentation of the President, was allowed to thrive doing its work unhampered. One of the items of its programme was to prejudice Your Excellency against me. How far they have succeeded in this object it is not for me to say. Certain correspondents of newspapers had always free access to this clique and received at its hands every encouragement and inspiration. The columns of these newspapers were at the disposal of the clique for its campaign against the President with the result that to the ordinary white man, not only at the headquarters of the Government of India but throughout the country, the occupant of the Assembly Chair have become an eye-sore so much so that his exit from the chair will be hailed with a sigh of relief and even delight by him.

"In these circumstances it should not surprise Your Excellency to learn that I have been shadowed

and my movement have been constantly watched. It seemed to me as if there was a deliberate and organised conspiracy to persecute me in order that I might in sheer disgust, tender my resignation and thereby supply a handle to the enemies of India to demonstrate that Indians are unfit to hold such responsible positions. It was an open secret that the Government of India and their officials had no love for me and tolerated me in the Chair because there was no way by which they could remove me except by a direct vote of censure. But they were never sure of getting a majority in the House to pass such a vote and perhaps you would not lightly allow such a motion to be tabled.

"In the midst of all these difficulties, I carried on because I believed that I was serving my country by doing so. Fortunately, when matters would have come to a crisis I had won, and they had lost. A man with weaker nerves would have resigned long ago or become subservient to them. I did neither, but stuck to my post, and laid down precedents and conventions and gave rulings which I venture to think might do credit to any Assembly in the world.

"My tenure of office had throughout been a period of one continuous struggle between the Chair and the Assembly on one hand, and the Government on the other and in spite of the many limitations imposed upon me and the Assembly by the constitution, I have always endeavoured to uphold and enlarge the authority of the Chair, and the dignity, rights and privileges of the House against the powerful bureaucracy and

I believe, I have, in a great measure succeeded. These five years have been to me so strenuous, so full of worries and anxieties, as to seriously impair my health. My only solace is in the feeling that I still retain the confidence of my people. It is not my purpose to blame any particular individual or individuals. My complaint is against the system under which all the ugly activities I have just described are possible, and the sooner such a system is put an end to, the better for all concerned.

"Notwithstanding all harrassment and persecution, I should have certainly continued to occupy the Chair if by doing so I thought that I would better serve my country. But I am convinced that, under the changed conditions, my usefulness as the President of the Assembly has entirely ceased to exist. Owing to the boycott of the Assembly of Congressmen in obedience to the mandate of the Lahore Congress, followed recently by the resignation of the Leader of the Opposition, Pandit Madan Mohan Malaviya and a band of his loyal followers as a protest against the manner and method by which the Government of India forced down the throat of an unwilling Assembly the principle of Imperial Preference, the Assembly has lost its representative character. When speaker after speaker rose on the Tariff Bill discussion and said that by the atitude adopted by Government of India, namely, that the Assembly must accept British preference or the mill industry of India must go to wreck and ruin, they would be compelled to vote against their convictions

and not on the merits of the Government proposals. I felt whether it was worthwhile any longer presiding over an Assembly where it was not possible for the President to safeguard even the freedom of vote supposed to have been guaranteed by the Government of India Act.

"It goes without saying that the Assembly would hereafter exist merely to register the decrees of the executive and I would be doing a disservice to my country if I continue to lend false prestige to such a body by presiding over it any more. Apart from these considerations, in the grave situation that has arisen in the country, I feel that I would be guilty of deserting India's cause at this critical juncture if I were to continue to hold the office of President of the Assembly.

"On the 21st January, 1930, in explaining my position as President of the Assembly in reference to resolution of the Lahore Congress, I had used these significant words ; "Whilst I am quite clear that it would be wrong and indeed dangerous for any President to act on the mandate of any political party in or outside the House I am equally emphatic that circumstanced as India is, a situation might arise when in the larger interests of the country the President of the Assembly might feel called upon to tender his resignation with a view to return to a position of greater freedom." I have no doubt in my mind that such a situation has now arisen in the country.

"My people have been engaged in a life and death

struggle for freedom. The movement of non-violent non-co-operation and civil disobedience initiated by the Indian National Congress under the leadership of Mahatma Gandhi, the greatest man of the modern times, is in full swing. Hundreds of prominent countrymen of mine have already fund their place in His Majesty's jails. Thousands are prepared to lay down their lives, if necessary and hundreds of thousands are ready to court imprisonment in the prosecution of the great movement. At such a juncture in the history of the struggle for the freedom of my country, my proper place is with my countrymen and with whom I have decided to stand shoulder to shoulder and not in the Chair of the Assembly.

As Your Excellency is aware, I was endeavouring in my humble way for the last four years that you have been at the helm of affairs in India, to prevent such a situation from developing. I had, all along, pleaded that a crisis could be averted only by a frank and full recognition, by Britain, of India's claim to complete Dominion Status without reservation, the method of giving effect to the decision being examined in some joint, and equal conference between the plenipotentiaries of the two countries In another letter, I have stated in some detail, the result of my endeavours on these lines. That letter, therefore, may be treated as part of this.

I confess I felt, for a time, that better days were in sight, and India might soon secure her legitimate place as a self-governing unit in the British Commonwealth of Nations without further sufferings and sacri-

fices, mainly through your instrumentality. But recent events, both in England and India, have completely disillusioned me and I have now come to the deliberate conclusion that all talk about a so-called change of heart on the part of the British Government and a change of spirit in the day-to-day administration of this country and of Dominion Status being in action in India, is merely an eye wash, is as unreal as the Fiscal Autonomy convention, and is not to be found anywhere translated into action in any shape or form.

"In these circumstances, I have no doubt, that there is no desire on the part of the British Government to recognise the justice of the claim made by the Congress and satisfactorily settle India's problem to the lasting benefit of India and British alike. On the contrary there had been abundant evidence, in the recent action of the Government in all parts of the country, that true to their tradition they have launched on a policy of ruthless repression designed to crush the legitimate aspiration of a great people. I am convinced, therefore, that Mahatma Gandhi stands fully vindicated in the attitude he had taken up that he was not prepared to advise the Congress to participate in the Round Table Conferenee in London unless there was a full and frank recognition of India's claim to complete Dominion Status without any reservation, and unless it was made clear that the conference was to meet to explore the methods of giving effect to such a decision.

In such a situation, the only honourable and pat-

riotic course open to me is to sever my connection with the Government of India, which I hereby do, by tendering my resignation, and take my legitimate place in the fight for freedom side by side with my countrymen. I only hope, my indifferent health will not prevent me from actively participating in the movement, but in any case I shall be giving at least my moral support to it by this resignation.

"In the end, I desire to place on record my sincere appreciation of your friendly feeling towards me and of the advice you gave me from time to time, and of your uniform courtesy and kindness throughout. Two instances in particular of your special regard for me I shall always remember with gratitude. During my term of office, my constituency was in serious trouble on more than one occasions : (1) In 1927, owing to unprecedented floods. On that occasion Your Excellency at my request, visited the flood-stricken area and moved about from village to village under most trying conditions, and expressed to my people your personal sympathy which they needed so much at the time. (2) In 1938 ; owing to the unjustifiable enhancement of land revenue in the Bardoli Taluka. There too, Your Excellency, at my request, used your good offices with the Government of Bombay to settle the trouble which was about to result in a serious crisis. I now close with the assurance to Your Excellency that, although mv official connection with you ceases from to-day, my personal regard for you shall ever continue as hitherto, and with a hope that we might some day meet in our unofficial capacity, and without reserve, exchange notes of our respective actions in our official capacities."

The Viceroy's Reply

His Excellency the Viceroy accepted President Patel's resignation. In a communication dated 26th April, His Excellency Lord Irwin wrote :—

"I have to acknowledge the receipt of your two letters dated April 25th in which you submit your resignation of your office of President of the Assembly and discuss at length the reasons that have led you to that decision. Your letter makes it plain that your course of action is not one that could be influenced by reasonable argument and it is evident that nothing is to be gained by a detailed reply, nor is it necessary for me to vindicate the officers of my Government against the charges which bear on their face their own reputations.

"You have, however, given an account of various conversations you have had with me during the time we were in official relations and though I am not in a position to question the explanation of your motives and action I must claim to be the best interpreter of my own. One conspicuous example of misunderstanding of events lies in your belief that it was at your request or in accordance with your advice that my Government discharged its responsibilities in connection with the movement for refusal of payment of land revenue in Bardoli Taluka in 1926.

"I regret that our official connection should have terminated in such circumstances and can only hope that you and those with whom you are once again to be openly associated may come to realise how grave a wrong you do to India by rejecting the way of peace that lies open through a free conference with His Majesty's Government in order to encourage your countrymen to deliberate and dangerous defiance of the law."

IX

President Patel's Second Letter

"I told you how the great Non-co-operation movement of 1920 was started and how it had very nearly achieved its object but ultimately failed. I also told you then that though the movement had for the time being failed, the Congress was still the most representative institution in India, that Mr. Gandhi was still a living force in Indian politics and was merely biding his time and that he was the one man in India with the largest following and the one man, who was essentially fitted to lead a mass movement. I urged upon you the absolute necessity of taking the earliest opportunity to get into touch with him and, with his co-operation, to take steps to settle India's problem once and for all. You were then just a stranger to this land and, therefore, did not rightly express any view or commit yourself to any opinion. Subsequently, you came into touch with your so-called constitutional advisers and your Civil Service who naturally had your ears. You also met a large number of publicmen of various schools of political thoughts in the country. The only people, who did not come near you were the Congressmen and the followers of Mr. Gandhi.

"Later in our conversations, you more than once doubted whether Mr. Gandhi really counted in the

political arena and whether the Congress had not lost much of its following in the country. I thought you were discounting my advice and you were being wrongly advised. I then told you that Mr. Gandhi would, before long, lead a mass movement in India and that it would be your misfortune to resort to repressive methods, much against your own inclination. I knew that I was all alone in tendering such advice to you and that you would not accept all that I was telling you.

"In 1927 when I went to England I told the same thing to His Majesty the King Emperor and also to Lord Birkenhead and other leading publicmen of England. Talking about the further Constitutional Reforms with Lord Birkenhead, I told him that nothing short of the immediate establishment of full responsible Government would meet the requirement of the situation and that any delay in doing so would further complicate matters and seriously endanger the relations between the two countries. Difficulties regarding the defence of India were pointed out to me and I told him where there was a will there was a way, and if England would be prepared to give a loan of the requisite number of officers on such terms and conditions as may be agreed upon for a period of, say, five years, the so-called difficulties about defence would disappear. I also warned him that if India's problem was not settled to the satisfaction of the Congress without delay, England must be prepared to face the revival of the Non-co-operation and Civil Disobedience movement of 1921 on a much larger scale in 1930.

"On my return from England, I repeated all this to you. Two or three months later, I learnt with pain, and no less surprise, that the British Government had appointed an All-White Commission called the Simon Commission. I felt that all my advice had fallen on deaf ears. An overwhelming majority of my countrymen decided to boycott the Commission and I thought of resigning my office to enable me to stand shoulder to shoulder with my countrymen in the boycott agitation. You on being consulted in the capacity of a personal friend and not as Viceroy, advised me not to do so and I accepted your advice and issued a letter to the Press, explaining my position. The boycott movement made tremendous strides and was a grand success. You then, for the first time, realised that, after all, there was something in what I was saying to you all along. You, thereupon, thought of going to England to acquaint the British Government with the situation in India, as you understood it, and to have some declaration made to placate the boycotters."

Proceeding Mr. Patel said ; "It is no doubt, true that my mentality began to undergo some change, when you decided to go to England to find a way out of the impasse resulting from the boycott of the Simon Commission and I felt that, perhaps, you were destined to help India to realise her destiny and unite the two countries by a bond of real friendship and I saw in your efforts a possibility of India to come into her own, without further sufferings and sacrifices. I believed you meant well, though I did not fully realise your limita-

tions and your difficulties. In any case, I was anxious that your efforts should not be wasted and, therefore, I wanted you to take one very necessary precaution.

"On the 25th May, last year, when you were about to leave Simla for England, we discussed the subject-matter of your mission, at some length, and I told you, on that occasion, that you were making a great mistake in not ascertaining from Mr. Gandhi and Pandit Motilal Nehru, what sort of declaration would satisfy the Congress. You told me that you knew their views and, in particular, of Pandit Moti Lal Nehru through a common friend and that, in any case, it was too late for the purpose. I cannot help feeling that considerations of prestige and your hesitancy to believe that the Congress had a great hold on the country and that Mr. Gandhi was really so powerful as I was representing to you, prevented you from accepting my advice. Whilst you were in England I wrote to you two letters and I had two from you. In my first letter I emphasised what I had told you on the 25th May, that is, by any formula the British Government could make it worth the while of the Congress leaders to agree to take part in a Round Table Conference in London half the battle was won, and I added that my only apprehension was that you were not in full possession of the exact views of the Congress leaders in that respect and that there was, therefore, the danger of the formula not being acceptable to them.

"In my second letter I expressed my regret that it

was not possible for you, before you left India, to have a heart to heart talk with the leaders of the party that really mattered, the only party which was in a position to deliver the goods to any appreciable extent; I mean the Congress Party in the Assembly and in the country. I then made a definite suggestion that the British Government should take one or two of these leaders into their confidence, either Mahatma Gandhi or Pandit Moti Lal Nehru or both, and have their previous consent to the terms of the proposed announcement and hoped that the British Government would not permit considerations of prestige to stand in the way of their doing the right thing at the right moment.

"In your letters, you assured me that you would do your best to find a way of peace out of our difficulties and that you were not likely to under-estimate the importance of doing everything that was possible to make it easier for all sections of opinion to come together. You returned to this country by the end of October and made an announcement on behalf of His Majesty's Government. You were good enough to send me a copy in advance and when I met you in Delhi a couple of days before the announcement was made, I told you at once that the announcement would put the Congress on the horns of a dilemma.

"If they accepted it they would run counter to Calcutta Congress Resolution and their declarations from time to time. If they did not accept it, they would at once lose the sympathy and support of the Liberals and others, who, I had no doubt, would accept the an-

nouncement unconditionally. Speaking for myself I was inclined to accept the Round Table Conference, given a satisfactory personnel and general amnesty to political prisoners. I was inclined, not so much because I believed that I and my Congress friends would get all that we stood for as a result of the Round Table Conference, but because I thought that in the event of the failure of the Conference and the resulting disappointment in the country, the Congress could start a mass movement with greater justification and under more favourable auspices and also because I was so very much impressed with your sincerity. In any case, of one thing I was certain, namely, that a conference without the Congress leaders was, to my mind, unthinkable and futile. I therefore suggested to you to have a meeting with Mr. Gandhi and discuss the announcement with him.

"In my letter dated 2nd December 1929, I wrote to you as follows. "I should like to repeat, what I have so often made clear, that the acceptance of the announcement by other political parties in the country means very little, if the Congress Party is not reconciled to it. If the Congress at Lahore commits itself to the goal of Independence and declines to participate in the proposed Round Table Conference, it would, in my opinion, be a bad day, both for England and India. It is therefore essential that every endeavour should be made to prevent the Congress from doing so. I have also made it clear to you that the only person, who is yet in a position to save the situation is Mahatma

Gandhi and I must impress upon you once again to do all that lies in your power to strengthen his hands and satisfy him. In my interview with you in Bombay I had told you that you should, before the Congress meet at Lahore, say or do something which could be regarded as a sufficient justification by Mahatmaji and his collaegues to ask the Congress to stay its hands,"

"A meeting was accordingly arranged on the 23rd December at the Viceroy's House, Delhi, when Mr. Gandhi and Pandit Moti Lal Nehru. on behalf of the Congress asked for a definite assurance from you that, at the Round Table Conference the British Government would support a scheme for the immediate establishment of a Dominion form of Government for India, as a condition precedent to the Congress participating in the Conference. As you could not agree to give the assurance, the Conference fell through for the moment. However, I felt that Mr. Gandhi was somewhat unreasonable in demanding such assurance when he was dealing with a Viceroy, who was sincerely trying his best to find a solution and I told him so. Subsequent events, both in India and England, *e.g*, the speech of Earl Russell. your own address to the Legislative Assembly on 25th January last, numerous prosecutions of publicmen for mere expression of opinion not involving any incitement to violence and last, but not least, the manner and method by which your Government forced on India Imperial Preference, treating all declarations about the reality of fiscal autonomy. made by responsible British statesmen, as

mere scraps of paper and in utter defiance of the advice tendered by the President of the Legislative Assembly, that the threat held out to the Assembly by the Government should be withdrawn before voting took place because it was in violation of the spirit of the Fiscal Autonomy Convention and also cut at the root of freedom of vote, guaranteed by the Government of India Act, have disillusioned me completely, and Mr. Gandhi, to my mind, stands vindicated. The Congress met and declared Complete Independence as its immediate objective and non-co-operation and civil disobedience as weapons with which to attain it.

"Mr. Gandhi gave his ultimatum to you and has now started the movement of civil disobedience. The response is spontaneous and countrywide. Hundreds of my countrymen of the first rank have already courted imprisonment; thousands and thousands are prepared to follow them and even to lay down their lives, if necessary, in the cause of the country.

"The British Government repressed a somewhat similar movement in 1921 by all sorts of means, imprisoning thousands of Congress men but that movement has left behind a wonderful awakening and a desire for freedom among the masses throughout the country. I have a feeling that every action of yours in this connection, *e.g.*. appointment of the Simon Commission and your unwillingness to take Congress leaders into your confidence before you made your announcement, etc., was based on wrong advice, that

the Congress and Mr. Gandhi had not that hold on the country and that following which, I always represented, they had, I know it is not your fault. Any other man, however well meaning as you are, surrounded by people some of whom are by no means friendly to the Congress and the country and others hopelessly out of touch with the realities of the Indian political life and who could not, under the circumstances, be expected to give right advice, would act similarly as you have done.

"The events of the last few days, I am confident, must have been an eye-opener to you and at this juncture, I desire to tender my final advice. I would ask you to lay aside in the larger interests of our respective countries, all considerations of prestige and invite Mr. Gandhi for a settlement. I shall be told that Parliment was the ultimate authority, and therefore no other authority had any power to give any undertaking which would commit Parliament. I have never been able to understand this argument. It is no doubt true that, technically, Parliament is the supreme authority but there is nothing to prevent the British Government from giving an undertaking that, so far as they were concerned, they were prepared to make certain proposals to Parliament. It is such an undertaking that Mr Gandhi demands. It is on the basis of such an undertaking that the Conference could meet and discuss such outstanding questions as would be still left open, such as, the member of British troops and officers that remain in India under the control of a responsible Minister and the

period and other terms and conditions of such an arrangement, the question of foreign affairs in the meanwhile and the question of Indian States. Barring these three matters, on which an agreement could be reached at the Conference, no other question regarding the administration of India should be open for discussion at the Conference. The Conference must take the form of a meeting of the plenipotentiaries of both the countries to discuss and arrive at an agreement of these and kindred qustions.

"It is true that the Congress has now adopted Complete Independence as its object, but I am not without hope that, if without any further sacrifice and delay India is offered complete responsible Government within the British Commonwealth of Nations, she would be prepared to accept it, and perhaps such Responsible Government is more to her advantage in her present condition than isolated independence.

"As I stated to the Assembly on 21st January, 1930, I have always maintained and still maintain, the change in the Congress creed notwithstanding that the relations between Great Britain and India can only be finally on the basis of India's right to Dominion Status being acknowledged without any reservation and the method of giving effect to that decision being examined in some joint and equal conference between the plenipotentiaries of the two countries, and that the greater the delay in finding a solution of the problem on these lines, the lesser the chances for a favourable atmosphere

for the purpose, and its general acceptance in this country.

"As you are aware, I have missed no opportunity during the last four years that I have been in the Chair of the Assembly, to press this view as strongly as I can upon your attention. No doubt, such a settlement would have been more welcome before the last Congress, but at this stage it is bound to leave in the country a party advocating complete independence and denouncing those who accept the settlement. This, however, would be a matter of domestic concern to be fought out by the two parties in India.

"I fully appreciate the difficulty of the position in which you have found yourself and I know that no one wishes more than you that the affairs of India may again be speedily guided into smoother waters, May I, therefore, hope that you will take one note of the recent manifestations of the determination of the people of India to attain freedom at any cost, and use your great influence with the British Government accordingly ? But if, for any reason, you find yourself unable to persuade the British Government to accept in substance the suggestion I have made, my advice is that you should tender resignation of your high office rather than allow your great name to be associated with a campaign of repression designed to suppress the legitimate aspiration of 320 million human beings.

"You have so far endeavoured to serve India well, and you would have served even better if you had been

correctly advised. You would serve her best by resigning if you find the situation is beyond you and you have to choose between repression and resignation. But I know you hold a unique position in the Councils of the Empire of India to-day. You have rare opportunities. Your influence with all the parties in England is great, and you enjoy in an abundant feature the confidence of the Secretary of the State for India and the British Government. If, therefore, you take courage and rise to the occasion, you will serve both India and England as no man has served in the past.

Yours sincerly,
V. J. Patel.

X

Mr. Subhas Chandra Bose's ultimatum to the Bengal Government

The following memorable letter was addressed to His Excellency the Governor of Bengal, the Hon'ble the Chief Minister and the Council of Ministers on 26th November, 1940 :—

"I am writing this in connection with my letter of the 30th October, 1940, addressed to the Hon. Home Minister (copy of which was forwarded to the Hon. Chief Minister) and my confidential letters to the Superintendant, Presidency Jail dated the 30th October and 14th November, which were forwarded to Government in the due course. Herein I shall recapitulate what I have to say regarding my own case and shall also put down in black and white the considerations that are impelling me to take the most fateful step in my life.

"I have no longer any hope that I shall obtain redress at your hands. I shall, therefore, make but two requests—the second of which will be at the end of this letter. My first request is that this letter be carefully preserved in the archives of the Government, so that it might be available to those of my countrymen who will succeed you in office in future. It contains a message for my countrymen and is, therefore, my political testament.

"I was arrested without any official explanation or justification on the 2nd July, 1940, as per orders of the Government of Bengal, under Section 129 of the D. I. Rules. The first explanation subsequently emanating from the official sources came from the Rt. Hon. Mr. Amery, Secretary of State for India, who stated in the House of Commons quite categorically that the arrest was in connection with the movement for the demolition of the Holwell Monument in Calcutta.

"The Hon. Chief Minister virtually confirmed this pronouncement at a sitting of the Bengal Legislative Assembly and stated that it was the Holwell Monument Satyagraha which stood in the way of my release. When the Government decided to remove the Monument, all those who had been detained without trial in connection therewith were set free, with the exception of Mr. Narendra Narayan Chakravarti, M. L. A., and myself. These releases took place towards the end of August, 1940 and almost simultaneously an order for my permanent detention was served under Section 26 of the Defence of India Rules, in lieu of the original under order Section 129 which provided for temporary detention.

"Strangely enough, with the new order under section 26, came the news that posecution was being launched against me under Section 38 of the D. I. Rules before two Magistrates for three of my speeches and for a contributed article in the Weekly Journal, " Forward Bloc ", of which I had been the

Editor. Two of these speeches had been delivered in February, 1940, and the third one early in April.

"Thus the Government created a unique and unprecedented situation towards the end of August last by detaining me permanently without trial under one Section of the Defence of India Rules and by simultaneously prosecuting me before judicial tribunal under another Section of the same Rules. I had not seen a similar combination of excutive fiat and judicial procedure before this occurrence took place. Such a policy is manifestly illegal and unjust and smacks of vindictiveness, pure and simple.

"One cannot fail to notice that the prosecution was launched long after the alleged offence had taken place. Nor can it be overlooked that for the relevent article in *Forward Bloc*, the paper had already been penalised through forfeiture of the security of Rs. 500/- and deposit of a further security of Rs. 2000/-. Moreover, the attack on the paper was made all of a sudden after a long period during which no warning had been given to the paper in accordance with the practice of Government.

"The attitude of the Bengal Government was further exposed when applications for my release on bail were made before the two trying Magistrates. Both these applications were stoutly opposed by the Government spokesmen. On the last occasion, one of the Magistrates, Mr. Wali-ul-Islam, granted the bail application, but was constrained to remark that this order would remain infractuous till the Government withdrew their order for my detention without trial under

Section 26 of the D. I. Rules.

"It is thus as clear as day-light that the Government have been pursuing a policy which fetters the discretion of judicial tribunal and interferes with the administration of law. The action of the local Government appears all the more objectionable when it is remembered that they have given the go-by to the instructions of the Government of India with regard to such cases.

"Another interesting feature of the Government's policy is my simultaneous prosecution before two Magistrates. If the intention was to place more than one speech of mine before a Court of Law, that could very well have been fulfilled without resorting to two Magistrates, for I have delivered any number of speeches during the last twelve months within the limits of Calcutta proper. The man in the street is, therefore, forced to think that Government are so keen on seeing me convicted that they have provided for a second string to the legal bow.

"Last but not least, Government's action appears to an impartial man to be altogether malafide, because proceedings were instituted so long after the alleged prejudicial acts had been committed. If the acts in question were, in fact, prejudicial then action should have been taken by Government long ago *i. e.* at the time that the alleged offences were committed

"May I request you to compare for one moment your attitude towards people like myself and towards Muslims arrested and imprisoned under the Defence of India Rules ? How many cases have occured uptil

now in which Muslims apprehended under the D. I. Rules have been suddenly released without ryhme or reason ?

"The latest example of the Maulvi of Murapara is too fresh in public mind to need recounting. Are we to understand that under your rule there is one law for the Muslim and another for the Hindu and that the D. I. Rules have a different meaning when a Muslim is involved ? If so, that Government might as well make a pronouncement to the effect.

"Let it be argued or suggested for one moment that for my incarceration, the Government of India, and not the local Government, are responsible—I may remind you that in connection with an adjournment motion concerning myself tabled by Pandit L. K. Maitra, M. L. A. (Central) before the Indian Legislative Assembly only the other day it was stated on behalf of the Government of India that the matter should not come before the Central Assembly, since I had been incarcerated by the Bengal Government. I believe a similar admission was made in the Bengal Legislative Assembly on behalf of the Ministry.

"And we cannot forget that here in Bengal we live under the benign protection of a "popular" ministry.

"My recent election to the Indian Legislative Assembly has raised another issue—that of "immunity" from imprisonment for members for the while the Legislature is in session. This is a right inherent in every constitution, no matter whether it is explicitly provided in the statute or not, and this right has been

established after a protracted struggle. Quite recently, the Burma Government allowed a convicted prisoner to attend the sittings of the Burma Legislative Assembly, but though I am not a convicted prisoner, I have been denied that right by our "popular" ministry.

"If apologists attempt to invoke the precedent of Captian Ramsay, M. P. in support of the Government, I may point out that Capatin Ramsay's case stands on a different footing altogether. Serious charges have been preferred against him, but all the facts not being known to us, it is difficult to argue either way.

"One may, however, urge that if Captain Ramsay has been unjustly imprisoned, and no redress will be ultimately forthcoming, it would lend substance to what Mr. Kennedy (American Ambassador to Great Britian) and others are reported to have said—namely that democracy is dead in England. In any case, Capt. Ramsay has had the opportunity of getting his case examined by a Committee of the House of Commons.

"In dealing with my case generally two broad issues have now to be considered. Firstly, have the Defence of India Rules any sanction, ethical or popular? Secondly, have the Rules as they stand, been properly applied in my case? The answers to both the questions are in the negative.

"The D. I. Rules have no ethical sanction behind them because they constitute an infringement of the elementary rights and liberties of the people. Moreover they are essentially a war-measure and as is known to everybody, India was declared a belligerent power

and was dragged into the war, without the consent of the Indian people or the Indian Legislature.

"Further, these rules militate against the claim so vociferously made in Britain that she is fighting the cause of freedom and democracy. And lastly, the Congress party in the Central Assembly was not a party to the adoption of the Defence of India Rules. In these circumstances, it would not be improper to ask whether the Defence of India Rules should not more appropriately be called the suppression of India Rules or the Defence of Injustice Rules.

"It may be urged on behalf of this Government that the Defence of India Act being an Act of the Central Legislature, all provincial Governments are obliged to administer the Rules framed thereunder. But enough has already been said above to justify the charge that the Rules, even as they stand, have not been properly applied in my case.

"There has been manifest illegality and injustice. Only one explanation can, to my mind, account for such a strange conduct viz : that Government have been pursuing a frankly vindictive policy towards me for reasons that are quite inexplicable.

"For more than two months, the question has been knocking at the door of my conscience over and over again, as to what I should do in such a predicament.

"Should I submit to the pressure of circumstances and accept whatever comes my way—or should I protest against what, to me, is unfair, unjust and illegal? After the most mature deliberation I have

come to the conclusion that surrender to circum stances is out of the question. It is more heinous crime to submit to a wrong inflicted than to perpetrate that wrong. So, protest I must.

"But all these days, protest has been going on and the ordinary methods of protest have all been exhausted. Agitation in the press and on the platfrom, representations to Government, demands in the Assmbly, exploration of legal channels—have not all of these been already tried and found ineffective? Only one method remains—the last weapon in the hands of a prisoner—*i. e.* hungerstrike or fast.

"In the cold light of logic I have examined the pros and cons of this step and have carefully weighed the loss and gain that will accrue from it. I have no illusion in the matter and I am fully conscious that the immediate, tangible gain will be nil, for I am sufficiently conversant with the behaviour of Governments and bureaucracies during such crisis. The classic and immortal examples of Terence Macswiney and Jatin Das are floating before my mind's eye at the moment. A system has no heart that could be moved, though it has a false sense of prestige to which it always clings.

"Life under existing conditions is intolerable for me. To purchase one's continued existence by compromising with illegality and injustice goes against my very grain. I would throw up life itself rather than pay this price. Government are determined to hold me in prison by brute force. I say in reply, "Release me or

I shall refuse to live—and it is for me to decide whether I choose to live or to die."

"Though there may be no immediate, tangible gain, no sacrifice is ever futile. It is through suffering and in every age and clime the eternal law prevails—"the blood of the martyr is the seed of the church".

"In the mortal world, everything perishes and will perish—but ideas, ideals and dreams do not. One individual may die for an idea—but that idea will, after his death, incarnate itself in a thousand lives. That is how the wheels of evolution move on and the ideas, the dreams of one generation are bequeathed to the next. No idea has ever fulfilled itself in this world except through an ordeal of suffering and sacrifice.

"What greater solace can there be than the feeling that one has lived and died for a principle? What higher satisfaction can a man possess than the knowledge that his spirit will beget kindred spirits to carry on his unfinished task? What better reward can a soul desire than the certainty that his message will be wafted over hills and dales and over the broad plains to every corner of his land and across the seas to distant lands? What higher consummation can life attain than peaceful self-immolation at the altar of one's cause?

"Hence it is evident that nobody can lose through suffering and sacrifice. If he does lose anything of the earth earthly, he will gain much more in return, by becoming the heir to a life immortal.

"This is the technique of the soul. The individual must die, so that the nation my live. To-day I

must die so that India may live and may win freedom and glory.

" To my countrymen I say—"Forget not that the greatest curse for a man is to remain a slave. Forget not that the grossest crime is to compromise with injustice and wrong. Remember the eternal law—you must give, if you want to get it. And remember that the highest virtue is to battle against iniquity, no matter what the cost may be."

" To the Government of the day I say—"Cry halt to your mad drive along the path of communalism and injustice. There is yet time to retrace your steps. Do not use a boomerang which will soon recoil on you. And do not make another Sind of Bengal."

"I have finished. My second and last request to you is that you should not interfere forcibly with my fast but should permit me to approach my end peacefully. In the case of Terence Mac Swiney, of Jatin Das, of Mahatma Gandhi and in our own case in 1926—Government did decide not to interfere with the fast. I hope they will do the same this time...otherwise any attempt to feed me by force will be resisted with all my strength—though the consequences thereof may be even more drastic and disastrous than otherwise. I shall commence my fast on the 29th November, 1940."

XI

Khan Bahadur Allah Bakhsh's Letter to the Viceroy renouncing his titles.

"I beg to inform Your Excellency that I have decided to renounce both the honours I hold from the British Government as I feel I cannot consistently with my views and convictions retain them any longer.

" India has been struggling for the national freedom for a long time past. Upon the outbreak of the present war it was hoped that under the very principles and idiology, in defence of which the Allies were wagging in a titanic conflict, India would be made free and participate in the world struggle as a free country. Convinced as I am that India has every right to be free and that the people of India should have conditions in which they could live in peace and harmony, the declaration and action of the British Government have made it clear that, instead of giving their co-operation to the various Indian parties and cummunities in settling their differences and parting with power to the people of the land and allowing them to live happily in freedom and mould the destinies of their country according to their birthright, the policy of the British Government has been to continue their imperialistic hold on India and persist in keeping her under subjection, use the political and communal

differences for propaganda purposes, and crush the national forces to serve their own imperialistic aims and intentions.

"The latest* speech delivered by Mr. Winston Churchill in the House of Commons has caused the greatest disappointment to all men of goodwill who wish to see rendered to India justice which is long due to her. As that hapless pronouncement withholds such justice from India and adds to the volume of evidence that Britain has no desire to give up her imperialistic hold on India, I feel I cannot retain the honours I hold from the British Government which in the circumsiances have arisen I cannot but regard as token of British Imperialism."

Mr. Churchill's Speech on India September 10, 1942.

"The course of events in India has been improving and is on the whole reassuring. The broad principles of the declaration made by the British Government which formed the basis of the mission of the Lord Privy Seal (Sir Stafford Cripps) to India must be taken as representing the settled policy of the British Crown and Parliament. These principles stand in their full scope and integrity. No one can add to them and no one can take anything away.

"The good offices of Sir Stafford Cripps were rejected by the Indian Congress Party. This, however,

*Mr. Churchill's Speech is appended hereto for the information of readers,

does not end the matter. The Indian Congress Party does not represent all India, (cheers). It does not represent the majority of the people of India (cheers). It does not even represent the Hindu Masses, (cheers). It is a political organisation built around a party machine and sustained by certain manufacturing and financial interests (cheers and laughter). Outside that party and fundamentally opposed to it are 90 million Muslims in British India (there a member interjected 'Nonesense' and there were cries of 'order') who have their rights of self-expression, 50 million depressed classes or untouchables, as they are called, because they are supposed to defile their Hindu co-religionists by their presence or by their shadow, and 90 million subjects of the princes of India with whom we are bound by treaty. In all there are 235 millions in these three large groupings alone out of the 390 millions in all India. This takes no account of the large elements among Hindus, Sikhs and Christians in British India who deplore the present policy of the Congress party.

"It is necessary that these main facts should not be overlooked here or abroad because no appreciation of the Indian problem or of the relations between India and Britain is possible without recognition of these basic data. The Congress party has now abandoned the policy in many respects of non-violence which Mr. Gandhi has so long inculcated in theory and has come into the open as a revolutionary movement designed to paralyse communications by rail and telegraph and generally to promote disorder, looting of

shops and sporadic attacks on the Indian police accompanied from time to time by revolting atrocities—the whole having attention or at any rate effect of hampering the defence of India against the Japanese invader who stands on the frontier of Assam and also upon the eastern side of the Bay of Bengal.

"It may well be that these activities by the Congress party have been aided by Japanese fifth column work on a widely extended scale and with special direction to strategic points. It is noteworthy, for instance, that communications of the Indian forces defending Bengal, the Assam frontier have been specially attacked. In these circumstances the Viceroy and the Government of India with the unanimous support of the Viceroy's council, the great majority of which .are Indians patriotic and wisemen—have felt it necessary to proclaim and suppress the central and provincial organs of this association which has become committed to hostile and criminal courses. Mr. Gandhi and other principal leaders have been interned under conditions of the highest comfort and consideration and will be kept out of harm's way until the troubles subside. It is fortunate indeed that the Congress party has no influence whatever with the martial races on whom the defence of India, apart from the British forces, largely depends. Many of these races are divided by unbridgeable religious gulfs from the Hindu Congress and would never consent to be ruled by them nor shall they ever be against their will so subjugated. (Prolonged cheers)."

Mr. Churchill resumed ; "There is no compulsory service in India, but upwards of one million Indians have volunteered to serve the cause of the United Nations in this world struggle. The bravery of Indian troops has been distinguished in many theatres of war and it is satisfactory to note that in these last two months when the Congress has been measuring its strength against the Government of India 140,000 new volunteers for the army have come forward in loyal allegiance to King Emperor, thus surpassing all records in order to defend their native land.

" So far as matters have gone upto the present, they have revealed the impotence of the Congress party either to subdue or even to sway the Indian army, to drag from their duty the enormous body of Indian officials or, still less, to stir the vast Indian masses, India is a continent almost as large and actually more populous than Europe and divided by racial and above all, religious differences far deeper than any that have separated the Europeans. The whole administration of the Government of 390 millions who live in India is carried on by Indians, there being under 600 British members of the Indian Civil Service. All public services are working In five provinces including two of the greatest and comprising 110 million people provincial Ministers responsible to their Legislatures stand at their posts. In many places both in town and country the population has rallied to the support of the civil power. The Congress conspiracy against communications is breaking down. Acts

of pillage and arson are being repressed and punished with an incredibly small loss of life. Less than 500 persons have been killed over this mighty area of territory and population and it has only been necessary to move a few brigades of British troops here and there in support of the civil power. In most cases rioters have been successfully dealt with by the Indian police. I am sure the House would wish me to pay a tribute to the loyalty and steadfastness of the brave Indian police as well as to the Indian official class generally whose behaviour has been deserving of the highest praise. To sum up: The outstanding fact which has so far emerged from the violent action of the Congress Party has been its non-representative character and powerlessness to throw into confusion the normal peaceful life of India. It is the intention of the Government to give all necessary support to the Viceroy and his executive in the firm but tempered measures by which they are protecting the life of the Indian communities and leaving the British and Indian armies free to defend the soil of India against the Japanese.

"I may add that large reinforcements have reached India and that the number of white soldiers now in the country, although very small compared with its size and population, are larger than at any time in the British connection. I, therefore, feel entitled to report to the House that the situation in India at this moment gives no occasion for undue despondency or alarm."

XII

Dr. S. P. Mookerjee's letter of Resignation.

Dr. Syama Prasad Mookerjee, Minister for Finance, Bengal Government resigned his office on November 16, 1942, as a protest against the Central Government's policy with regard to the political situation in the country, and what he regarded as the Bengal Governor's constant encroachments in the field of the Ministers. Below is the full text of his letter to the Governor :—

Calcutta Nov. 16, 1942.

Dear Sir John.

I have decided to resign from my office as minister. My formal letter of resignation is sent to you through the Chief Minister. A copy of my letter to him is enclosed. In this letter I propose to place on record the main events which have led me to take this step. When I acepted office nearly a year ago I was fully aware of the task I was undertaking. The province was then surcharged with communal tension almost unprecedented in its history. The war situation was also fast developing in to sericus proportions and the problem of strengthening the defence of the country was certainly one and required the combined co-operation of Government and the People. I have striven during the period of my office to maintain a

healthy comunal atmosphere, believing as I do, that this province can never advance unless the two great communities comprised within it feel that its administration is being carried on in a fair and just manner. I have also maintained that in the interest of India herself our national war efforts must be strengthened and vitalized. I have not however always seen eye to eye with you in regard to the manner and method of mobilizing public opinion in favour of the county's defence.

I shall not recapitulate all the matters I had discussed in my letters to you in March and July last and also in my letter to the Viceroy on August 12 last. They are to be read along with this letter in order to appreciate how I have tried over and again to persuade Government to change its present barren policy but failed to produce any tangible results.

Broadly speaking my reason for resignation are two fold. First as I intimated to you at the earliest of oportunity on August 9 last, I disapprove of the policy adopted by the British Government and the Government of India with regard to the present political situation in the country. I am aware that you, as a provincial Governor have hardly any responsibility for the formulation of this policy. But my second reason mainly concerns you. And that is connected with the manner, in my opinion unwarranted, in which you have interfered with the work of the ministry and have rendered so called Provincial autonomy into a meaningless farce. Although you could not

be held responsible for any all India decisions, you might have risen to the full height of statesmanship and by pursuing a bold and straight forward policy of trust and co-operation, changed the tone of the adminstration in Bangal, leading to a whole some relaxation of the political situation and ensuing the safety of a province which is now one of the north-eastern war frontiers in India.

Let me refer briefly to the general political situation in the country. Mv letter to the Viceroy fully explains my viewpoint. But I should record here the extraordinary manner in which you acted when you received information of the policy as determined by the Government of India regarding the threatened Congress movement. When the letter from the Government of India came to the Chief Secretary you showed it to and discussed it with the Chief Minister who rightly suggested that the policy enunciated by the Government of India on so important a subject should be fully discussed by Cabinet. You deliberately rejected this advice and even asked the Chief Minister to keep back the contents of the letter from his collegues, although some permanent officials saw it and recorded their plans for giving effect to the directions. You decided that Cabinet would consider the letter only after information had been received from the Government of India that effect had actually been given to the policy formulated by it, following the arrest of the Congress leaders. Consultation at this stage was utterly useless as it gave no opportunity to Cabinet to

record its views and communicate them for th effective consideration of the Government of India.

When on August 9, after the arrest of the Congress leaders at Bombay, you called us together and asked us either to accept the policy or to resign, I pointed out to you that your action was extraordinary and brought provincial autonomy to a state of ridicule. You exepected ministers to stand by you on the basis of collective responsibility but declined to trust them and consult them on such a vital matter except at the very last moment when consultation was indeed fruitless. On that day I intimated to you that I disapproved of the policy of the Government of India as I felt strongly that every effort should be made by the British Government and its representatives in India, to secure an honourable and peaceful solution of the Indian problem rather than that it would attempt to over-awe the country by a ruthless policy of repression during the period of war, I did not resign at that time as I told you that I was going to write to the Viceroy on the subject. That letter was sent through you on August 12 and I received his reply early in September after my return from Delhi. I believe that my letter has been forwarded to British Government but it is clear that there is no desire whatsoever on the part of the Government to bring the present impasse to an end. I had not in the meantime sat idle but had humbly attempted to organize public opinion in favour of an immediate settlement. Large sections of representative opinion in the

country did only opprove of the steps that I along with others had taken. I got into touch with all the important political parties except the Congress and when I asked for permiss ion to interview Mahatama Gandhi and other Congress leaders, my request was rejected by the Viceroy.

I have all long felt that the principal responsibility for settling the present deadlock must rest with the Government. The deadlock will not be solved until and unless Government makes up its mind to transfer power to Indians. Immediate establishment of composite National Government at the centre and in the provinces enjoying real power and pursuing an all-out Defence policy, co-ordinated with the general war policy of the Allied Powers, is essential as much for India's welfare as for that of the Allied Power themselves. We want to regard ourselves just as free to mould our destinies as Englishmen would like to feel in the land of their birth. Lack of Indian unity is a false plea put forward by British spokesmen. No political advance in the past was made conditional upon complete unity within India. If British Government becides to transfer real power and not play the old game of 'divide and rule', the parties must unite in their own interests. Those who do not unite, inspite of real transfer of power, will automatically fall in the background. The fact is that the British Government wishes to hold India under its way at any cost. The demand of India is simple and straightforward. As a slave cannot fight wholeheartedly for any noble cause.

India wants that she should be a free country and she should fight along with other free nations for the liberation of humanity against the onslaught of Axis Powers. You have enjoyed freedom in your own country for too long a period to realize fully what it means to be a subject-race that feels oppressed and down-trodden. The tragedy of it all is that at this critical hour when large territories under British rule in the East have been snatched out of its control mainly on account of its failure to fill the minds of their native people with a burning zeal for maintaining their integrity—one must have freedom before one can die for it—it should even now persist in following the same mistaken policy with regard to the Indian people.

If it is a crime to aspire to see one's country free and shake off foreign domination, including British, every self-respecting Indian is a criminal. There are administrators in India who dream constantly of fifth columnists walking on the roads and lanes of Indian towns and villages. These estimable gentlemen themselves belong to this category, if treachery to India's genuine interests is the real criterion of a fifth columnist in India. The great bulk of the Indian people can have possibly no sympathy with Japan or with any other Axis Power. Why should we Indians be at all anxious to invite Japan to this country ? We want you to return to your own home safely and as speedly as possible, and does it stand to reason that we would welcome a new master with fresh vigour and unsatisfied lust for widespread possession ? We want to be rid of alien

rule altogether. We want this country to belong to and to be governed by ourselves. India has for a long time allowed herself to be sacrificed at the altar of Imperial greed. The doctrine of benevolent trusteeship stand exploded and you can no more throw dust into our eyes. Indian representatives therefore demand that the policy of administration of their country in all spheres, political, economic and cultural, must be determined by Indians themselves, unfettered by irritating acts of unsympathetic bureaucrates and bungling Governors. There was however ample room for mutual help and trust between England and India for, after all, it is a common menace that theatens both today. We recognize that the war must for the present absorb our whole attention, but only with a free and willing partnership between India on the one hand, and England and other Allied nations on the other, could we have fittingly organized ourselves for keeping the enemy out of our own country and saving the cause of the Allied nations themselves. The British Government has failed to realize that India cannot be roused to a passionate fervour and devoted activity, such as is witnessed in Russia and China, unless Indians feel that they are free men and their freedom is to be saved, no matter at what sacrifice.

These are natural sentiments fully consistent with the declared war aims of the Allied nations. If you are sincere in your assertion that you are anxious for a new world order and want to see that the cause of human freedom is never again imperilled, why

should you hesitate to do a little act of self-abnegation by acknowledging India's freedom and thus save yourselves from being branded as guilty of hypocrisy? Instead of doing what is just and natural, for three months Government has carried on a reign of repression, which will serve as a good model to those deeply attached to totalitarian rules of conduct and whose alleged misdeeds are widely circulated through British agencies. During these months people have lost their fear of bullets. What can possibly be your next sanction to hold India in chains? Today India seethes with discontent and bitterness. It is the easiest thing in the world to fight with a people that are unarmed and defenceless. Some of the British spokesmen have said that India or a section of the country has declared war. If that is their belief, then let arms be provided to Indians and let the fight take place on a basis of equality. The most dangerous symptom today is that people feel so completely frustrated at the turn that events have taken that they would welcome any change to get rid of the present tyranny.

It is indeed regrettable that men responsible for Indian administration should have forgotten the simple truth that Britain cannot fight India and the Axis Powers together. On account of sheer bankruptcy of statesmanship, much goodwill and co-operation on the part of Indians have been allowed to flow in the channel of distrust and resentment. Many of the administrators have lost their equilibrium and cannot hide their animosity towards Indians as a class. I am not

suggesting that many of the senseless acts of outrage and sabotage committed during the last three months will help us to obtain our country's freedom. Let lawlessness be checked. But that is not the only problem. Violence and counter-violence have moved in a vicious circle and vitiated the atmosphere of the country today. You have failed to go to the root cause of the Indian unrest. It is the hunger of liberty that is to be satisfied, if peace is to reign in India agains. Mere suppression of external manifestations of disorder by force, or worse still, a deliberate policy of terrorism, without any attempt to move along constructive lines to satisfy the legiltimate aspirations of India only widens the gulf of difference between Britain and India and is hardly of any good to either country or to the cause of world freedom. India cannot be held against her will merely at the point of bayonet, Notes of warning are being sounded by well-meaning Britishers in there own country and here, and also by influentail sections of public opnion in America and China. But a false sense of power, prestige, and possession chokes the voice of reason and justice.

I wish I could have closed my letter at this point and had not to refer to your own administration which has also contributed in no small measure to the worsening of the situation. In my letter to you written in July last I had given an idea of my feelings of dissatisfaction and disappointmens at the manner in which I had seen you administer the affairs of this province. With much apparent goodwill you have bungled stage

after stage. For the first time since the Reforms of 1919, Bengal had a Ministry enjoying the support of large sections of Hindus and Muslims. Parties and persons who were violently opposed to each other on political and communal considerations had agreed to stand on a common platform for the good of the people specially during the period of war. There are certain people occupying high positions in this country and also abroad, who for obvious reasons do not like a strong combination of Hindu and Muslim elements. The co-operation offered by us was not responded to by you and a certain section of the permanent officials. I regret to say that from the very beginning of our association with you, you have failed to rise to that impartial height of a provincial Governor which could have given you courage and foresight to respect the Constitution, establish new conventions and broaden the base of the provincial administration so as to win the affection and confidence of the people. You have all along permitted yourself to be guided by a section of permanet officials—loyal die-hards, according to you; short-sighted and reactionery, according to us—resulting in the establishment of a government within a government which has proved disastrous to the interests of the province.

I shall not go into details. But let me remined you that you showed no sympathy whenever proposals for the recognition of the people's rights in various fields of activity were made. They were turned down by you because of deep-rooted distrust and suspicion.

Our proposal for raising a Bengal Army was not acceptable to you for reasons which would not even bear scrutiny. This alone would have revolutionized public opinion in Bengal. The scheme for popularizing the Home Guard was rejected by you in spite of unanimous advice of all the Ministers, simply because you and your officials were afraid of trusting the people. You have systematically resisted the appointment of Parliamentary Secretaries and the expansion of Cabinet, just to embarrass the Ministry. Even before the Congress started any movement. you declined to give back to thousands of Bengalees their freedom which had been denied to them on suspicion or for participation in political movements, although we were prepared to take full responsibility for their future behaviour and activities consistent with the war situation. Recommendations for individul releases or even for temporary relaxation were turned down by you, utterly oblivious of any assurance given by us. In matters relating to the Denial Policy you failed to realize the untold suffering into which thousands of people would be thrown and the discontent that was bound to follow ; and only after a good deal of efforts could that policy be only slightly modified. We do not yet know what plans have been kept ready for destruction of plants, machinery and other properties in case of enemy invasion. Even in matters relating to supply of food and control of supplies you have interfered with ministerial action and have rendered out task extremely embarrassing You have discouraged the growth of

collective responsibility among Ministers while taking momentous decisions on vital issues. Ministerial advice has been brushed aside in regard to selection and posting of officers, while your unabashed softness for the present Opposition Party is in marked contrast to the treatment we used to receive in a similar capacity when the last Ministry was in office. Even with regard to a simple question like prorogation of the last session of the Assembly, you have declined to accept our advice. Indeed I did not even receive a reply from you to my letter written early in October, pointing out how the Province had to incur wasteful and avoidable expenditure due to your decision not to prorogue the Assembly, simply to harass the Ministry. In matters affecting the rights and liberties of the people you have constituted yourself into an appellate authority and you claim to act in exercise of your special powers under the Government of India Act. I have repeatedly told you that this is an absurd situation. During the war you can function with success only if you regard yourself as primarily responsible to the people of this province and act on the advice of their chosen representatives. But you have regarded yourself as one who is beyond anybody's control, enjoying powers without being required to give account to any other authority. You have expressed your annoyance from time to time. that Ministers are not more active in rousing public opinion in respect of matters relating to war or the general political situation. You will not allow Ministers to function and administer according to their own light

and judgment. You and some of your officers will commit Government to policies and acts which Ministers do not approve of and afterwards you expect them to stand up as obedient persons fully justifying the results of your mistaken policy. The brunt of the attack falls on Ministers. The legislature is even precluded from criticizing or commenting on your conduct. You in your turn do not hesitate to take advantage of, and sometimes even go beyond the spirit of the provisions of the Government of India Act and the Instrument of Instructions, thus reducing ministerial administration to a mockery.

But the most difficult situation has been created with regard to the manner of suppression of the political movement. I have told you repeatedly that while it is the duty of any Government to see that acts of lawlessness are not committed or that disturbances are not created specially during this grave emergency, Government must not in any manner provoke a crisis or encourge or make it possible for officers to commit excesses or to inflict injury on innocent people. Where persons deliberately commit offences, they must face the consequences of the law. But in spite of our best efforts, indiscriminate arrests have been made, innocent persons assaulted and shot down and oppression has been carried on in some parts in a manner hardly creditable to any civilized Government. The fact that some British prisoners of war under German control were put under fetters roused the loud and angry protests of the British Government and its sup-

porters. Can you not express even a fraction of that moral indignation for similar and even worse outrages committed on Indians by the agents of the British Government itself? You have persistently refused to have allegations enquired into and have also helped in the suppression of publication of accurate news.

The political movement took a grave turn in some parts of Midnapore and none can say anything in respect of any legitimate measures taken to deal with persons guilty of serious offences against the law. But in Midnapore repression has been carried on in a manner which resembles the activities of Germans in occupied territories as advertised by British agencies. Hundreds of houses have been burnt down by the police and the armed forces. Reports of outrages on women have reached us. Muslims have been instigated to loot and plunder Hindu houses; or the protactors of law and order have themselves carried on similar operations. Orders were issued from Calcutta that it was not the policy of Government that houses should be burnt by persons in charge of law and order. I have ample evidence to show this order was not carried into effect and even after the unprecedented havoc caused by the cyclone on October 16 and our visit to the affected areas a fortnight later, the burning of houses and looting were continued in some parts of the district. Apart from the manner in which people were fired at and killed, these acts of outrage committed by Government agencies are abominable in character. Let us condemn by all means acts of lawlessness

perpetrated by volunteers. To my knowledge they did not take the life of any Government servant. In any case the wrongs perpetrated by breakers of law and order are no justification whatsoever for the upholders of law and order to terrorise innocent people and to oppress one and all in a ruthless manner.

The reports which I have received about the callousness and indifference of some of the officers even after the cyclone perhaps find no parallel in the annals of civilized administration. The suppression of news of the havoc by Government, and even of appeals for help, for more than a fortnight was criminal. In the presence of the District Mrgistrate complaints were received that boats were not made available on that fateful evening or even later to save the lives of the people who were perilously resting for a brief while on the roofs of their houses that ultimately collapsed. One gentleman gave a harrowing description of the manner in which he and others begged of officers to allow a boat found by them to ply for a couple of hours in order to rescue some men, women and children lying near the area concerned. This request was summarily rejected and the men who had used the boat were threatened with dire consequences. Later on, all the people whom this party wanted to rescue were washed away, never to be found again. After the cyclone curfew orders are continuing even in areas where people offered every co-operation. Our intervention in this respect proved fruitless. Transport facilities and movements were extremely restricted even when we visited the district a fortnight later.

Cows were requisitioned under the Defence of India Rules. The total destruction of cattle owing to flood and storm would be somewhere between 70 and 85 per cent. Of the cows that remained, although they were giving milk and some were with calf, a good many were snatched away from private houses by the police and the military for the purpose of feeding the troops. Such inhuman callousness is indeed unparalleled. One officer's report in writing to Government was that relief, whether organized by Government or any private agency, should be withhed for a month and thereby people taught a permanent lesson. Relief measures adopted by local officers were utterly inadequte. Even *bona fide* private relief workers from Calcutta, though they produced their credentials, found themselves in Jail under the Defence of India Rules. There is no chance on our part to get these officers removed from that area because prestige will then suffer. There is no chance of any inquiry being held, although other Provincial Governments have held inquiries, under far less serious circumstances, for then again prestige will suffer. The only chance that people of this province apparently have is to suffer patiently at the hands of the upholders of law and order and wait for the day when nemesis is bound to come.

We have been told that there are indications that political agitation is still in progress in some parts of Midnapore. These may have been sporadic outbursts but from my personal knowledge I can definitely assert that the bulk of the people, including supporters of the

Congress, genuinely want peace to be restored immediately. From my talks with many inside and outside the Midnapore Jail I am satisfied that if officers dealt with the situation with tact and sympathy, subversive activities would completely stop and the whole of Midnapore would rise to a man to work whole-heartedly with Government for giving relief. It is disgusting how valuable time has been wasted for one month because of the apathetic and dilatory attitude of some of the local efficers on the one hand and the strange obstructiveness of some of the representatives of the department of law and order in Calcutta, on the other. Meanwhile, thousands are suffering for want of food, shelter, medicine, clothings and drinking water. The present methods of persecution and slow action are both cruel and fatal and they will not die out nor the atmosphere improve until some officers are transferred from the district. Ministers feel that both for the current maintenance of law and order and for the sake of suffering humanity this should be done immediately, but they are powerless to give effect to it. You too declined to accept our advice in this respect. Could you not as Governor issue in time a public message of sympathy,—the Viceroy could do it—for the unprecedented loss following the flood and cyclone, costing the lives of at least thirty thousand people and colossal destruction of cattle and property, a havoc which British troops describe as similar to the worst ravages that may be caused by enemy bombing? Let an impartial inquiry be conducted into the affairs of Midna-

pore and the correct version on both sides see the light of the day. Will you have the courage to agree to this ?

The manner in which collective fines have been imposed by Government throughout the province deserves severe condemnation. The scheme of imposition of collective fine on Hindus alone, irrespective of their guilt, has been an all-India feature and is a British revival of the ancient policy of *Jizia* for which Aurangzeb made himself famous. In Bengal the Chief Minister had been averse to the imposition of such fines and tried again to lay down certain principles which were unimpeachable from the point of view of elementry justice. You have interfered with the Chief Minister's decision and have prevented him from giving effect to these directions. Amounts have been imposed in many cases without any regard to the total damage caused or to the part played by the inhabitants concerned, In at least one case I know the Collector was not even consulted, in some others local officers were invited by Government itself to propose the imposition of fines. I have carefullyexamined the papers with regard to a number of these cases and the monstrosity of the imposition has staggered me. I challenge you to place the materials on which decisions have been taken before any impartial judge and I have not the least doubt that in most cases the verdict will be that the fines are not at all leviable in accordance with the provisions of the Ordinance, or that the discrimination made is completely unjustifiable or that

the amounts fixed are entirely disproportionate in character. Fines have been imposed in many cases without the Chief Minist er knowing what was being done. Only recently it was suggested by the Chief Minister that the realization might be delayed by a fornight and the entire policy considered at a Cabinet meeting. Your answer to this request, which was made on behalf of us all, was in full conformity with the traditions which you had already established. You had no objection to a Cabinet meeting being held. But you indicated beforehand with sufficient clearness, but with unbecoming impropriety and discourtesy to Ministrs, that you would in any case pass orders in exercise of your individual judgment for the immediate collection of the fines.

It is amazing how in every matter concerning the rights and liberties of the people or where racial considerations were likely to arise, you have acted with singular indifference to the genuine interests of the people of this province. A difficult and tense situation such as the present, might have been eased by a policy of admini stration actuated by sympathy, understanding and goodwill. Irresponsible possession of powers by persons without a high degree of administrative ability, ignorant of Indian mind and conditions and blindly guided by unsympathetic bureaucrats, leads to disastrous consequences during the period of war. If ever a time comes when an impartial stock is taken of what you and others did and omitted to do, the verdict will be that at a critical hour you hopelessly failed to serve a

province of great strategic importance, although, if correctly approached, its people were capable of being roused to an intense patriotic fervour and would have readily agreed to face any sacrfice and sffering for saving their own country from the impending invasion of the enemy. What you and others have done has only helped the enemy who cares not for our future. Whatever happens it is we, the people of the land, who will suffer as much at the hands of our so-called protectors as of the avowed destroyers. Military matters are kept dead secret from us. We still hope Bengal and India will be successfully defended. But if the worst happens, you and others, who now feel overpowered by special responsibilites will, like your friends similarly situated in Burma, desert the province, we remaining here, unarmed unprepared and emasculated, to face your parting bullets and the yet unknwon operation of the Denial Policy on the one hand ; and the oppression of the invading enemy, on the other. And yet with goodwill and statesmanship on your side to which the great bulk of Indians would have warmly responded, what a bulwark a Free India and the Allied Nations would jointly have been against the combined force of the Axis Powers ?

I am sorry that our official association should end like this at this critical hour in the history of my province. I honestly feel I can be of no use to my countrymen or to you by remaining in office so long as the general all-India policy remains what it is and the province is administered by you on lines which

I consider inimical to its best interest.

Yours Sincerely.
Syama Prasad Mookerjec.

PRESS STATEMENT
CALCUTTA, November 23, 1942.

Dr Syama Prasad Mookerjee, whose resignation was accepted by the Governor with effect from November 20, issued today a statement to the Press in which he says:......" It will be idle for me to deny that we (the Cabinet) did pass through a period of constant struggle, a struggle between us and those administrators who still fondly cling to the old ideas of Imperialism, and believe that India can be ruled for ever against the will of her people. I have expressed my disapproval of the policy pursued by Government. No Government can allow serious disturbances of public order to take place specially during a period of grave emergency without detriment to the welfare of the country as a whole. But I felt and I do feel now that mere suppression of external manifestations of discontent is not the sole function of a Government calling itself civilized and progressive and fighting the doctrine of totalitarianism out of existence. The problem in India today is that we Indians have not the power to mould the destinies of our country, according to our will to maintain the integrity and freedom of our country. We do not want the domination of Axis Powers or of any foreign rule. We want the era of Indian slavery to end for

good. There was and is ample room for co-operation between a Free India and the Allied Nations to fight the menace of Axis aggression.

The continuance of the present deadlock is inevitable so long as the policy of the British Government remains unchanged. I did my best during the last three months to mobilise publlc opinion in favour of a settlement which would be consistent with the legitimate rights and aspirations of the Indian people and at the same time vitalise the national defence of India in full collaboration with the Allied Powers. There was however no response whatsoever from Government. The real obstacle to a settlement is not Indian disunity but the unwillingness on the part of the British Government to transfer power to Indians..... The Constitution that functions under the so-called Provincial Autonomy is a colossal mockery. My experience as a Provincial Minister for 11 months jnstifies me in stating clearly and categorically that Ministers, while possessing great responsibilities for which they are answerable to the people and the Legislature, have very little powers, specially in matters concerning the rights and liberties of the poeole. In Bengal a dual Government has functioned during the last one year. The Governor has chosen to act in many vital matters in disregard of the well-wishes of the Ministers. If the British Prime Minister or the Secretary of State has the courage to direct an enquirv into the manuer in which popular rights have been disregarded against the advice of responsible Ministers, the hollowness of their claim that Dominion Status is already in action to India will stand exposed......

XIII

The Story of Mr. Fazal Haq's resignation.

(His statement on the floor of the Assembly and his historic Letters to the Governor.)

Mr. Speaker, Sir,

We meet to-day in this House under circumstances almost unique in the histoty of Provincial Autonomy in India. We last met on the 29th March, 1943, and our parting on that fateful morning took place under dramatic circumstances. During this interval of a week and three months, events have takenplace which have shaken the constitution to its very foundations and exposd the mockery of Provincial Autonomy. The House will recollect that as soon as we met on the last day of the Budget session, I was questioned by Mr. Kiran Sankar Roy and others whether I had resigned my office as Chief Minister and if so, whether my resignation had been accepted. I replied to both the questions in the affirmative, but my replies were necessarily confined to giving information on the specific points raised and did not give a detailed account of the circumstances under which I was dexterously pushed out of office. The House was adjourned, and during the recess, I related on different occasions the circumstances under which I was made to sign a previously drafted and typed document, purporting to be my letter of resignation as Chief Minister.

I thought that these statements gave the public a fairly accurate idea of the manner in which my term of office as Chief Minister had been made dramatically to terminate, and I need make no further statements in this House. I have however been surprised to find that the Secretary of State for India has been making, or, is being made to make, statements in Parliament regarding the circumstances relating to my resignation which contain incorrect versions of what had actually taken place and also insinuations which I cannot allow to pass unchallenged. In the course of his statements in Parliament, the Secretary of State for India has remarked that I had voluntarily resigned and that my resignation and subsequent events "had occurred in the course of procedure under provincial representative institutions." The language used by the Secretary of State was mysterious, if not meaningless. I sent a telegram to the Secretary of State definitely protesting against his incorrect version of events and requesting him to ascertain facts before he publicly commited himself to any account of what had taken place. I also sent a telegram to His Excellency the Viceroy urging him to cable correct facts to the Secretary of State for India. To this I received a reply that the Governor had been in communication with the Secretary of State and with regard to variations between my version and that of the Governor, the Secretary of State felt satisfied that the version of the Governor was correct.

I confess I was not surprised at this reply to my protests. It was quite in keeping with "the course

of procedure under provincial representative institutions in India." It is the policy of shutting both your eyes to what your official subordinates may be doing, known popularly as the policy of backing the man on the spot It is the policy which encourages officials in India to do whatever they like, confident in the belief that whatever may be the measure of their guilt on any occasion, they will be supported all along the line by their official superiors. It is the policy which enabled Sir John Herbert, acting in "the course of procedure under representative institutions" to refuse any enquiry into the shooting tragedies in the Dacca, Central Jail and into the blood-curdling allegations against the officials in Midnapore. It is the policy which enables a Governor to ignore his Ministers and to commission a Secretary to send out chosen agents into the luckless Mofussil with plenty of unauthorised public money in their pockets to purchase, sell and hoard rice at their pleasure in order to be able to make fabulous profits while the children of the soil may be starving for want of food. It is the policy which enables a Governor to make appointments to high offices even in the Ministerial field of administration before, and not after, consultation with Ministers. It is the policy which enables favoured Ministers to order organised depredations into the hovels of the poor on the pretext of discovering hoarded foodstuffs, knowing full well that the countryside is already denuded of surplus rice. It is the policy which enables a reactionary Government to gag the Press and prevent

publication of news and to stifle criticisms of their actions. It is the policy which secures immunity to Minsters when they defy public opinion and give monoplies in trade to associates political and otherwise, for the purpose of amassing wealth beyond the dreams of avarice to be utilised for public and private purposes.

So far as I am concerned, my duty is therefore clear. I must tell the House the whole story in all its details so that future generation may know how India had been governed under the much vaunted system of Provincial Autonomy. I must however confess that my statement in this House to-day has been a subject of deep and anxious consideration. On the one hand, I owe a duty to this House and to my countrymen, to place before them fully and frankly my version of the entire incident. This duty becomes all the more imperative when I find that the Governor has been putting forward his own version of the events which I cannot accept as a correct statement of facts. On the other hand, I realise that I cannot make statements without criticism of the Governor's action which must in the nature of things be occasionally adverse, and sometimes even bitter and unpleasant. Not that Sir John Herbert or his fellow actors in the Constitutional Drama whose gruesome details I am going to unfold to-day, deserve any consideration at my hands. Had India been a free country and this Assmbly a real Parliament with Sovereign Powers, Sir John Herbert would long ago have been recalled to milder climes,

to spend his talents on less pretentious avocations than the Governorship of the Premier Province of India. It is hardly necessary to add that what I have to say about Sir John Herbert to-day refers only to his actions in his official capacity as the Executive Head of the Province and has no bearing whatever on any other aspect of his character or conduct.

As I proceed to narrate the circumstances under which Sir John Herbert managed to secure my signature on that fraudulent document called my letter of resignation, my memory travels back to the happy days I had spent with four successive Governors before I met Sir John Herbert. The first of this brilliant galaxy of Administrators was Sir John Anderson, a distinguished member of the Home Civil Service. Sir Robert Reid and Sir John Woodhead, who came next, were exceptionally able and successful members of the Indian Civil Service and all of them came to hold the high position of Governor of Bengal after distinguished official careers in England and in India. I have nothing but happy memories of the manner in which the Governors and the subordinate officials used to assist me in my arduous task of administration as the first Premier of the Province, The fourth Governor with whom I worked was the late lamented Lord Brabourne. It would be invidious to make a distinction between one Governor and another, but I cannot help saying that Lord Brabourne was a Governor of an exceptionally supeiror type. A born gentleman an accomplished statesman, a cultured

Englishman with the most chaming manner, Lord Brabourne combined sympathy with firmness and will always be remembered as one of the most successful administrators who have ever come out to India. While working with these four Governors I never felt that there were things in the Government of India Act known as Governor's discretion, or individual judgment or special responsibilities. We all felt that the Council of Ministers and the Governor formed a team whose sole object was just, upright, efficient and enlightened administration.

I now come to Sir John Herbert. I must tell the House that for some time after we began to work together, he was to me a considerate friend. He told me that I was the first person to whom he had talked in Bengal. He assured me that he would act as a constitutional Governor and I would be able to carry on the administration as Chief Minister without any interference from him. He even mildly hinted, comparing small things with great, that he would be to what the King was to Mr. Chamberlain. For sometime Sir John Herbert kept his word and continued the policy of co-operation with the Ministers which had been adopted by his predecessors. Gradually, however he began to exhabit a tendency to interfere in the details of the administration and to press his points of view with a tenacity which we felt was inconsistent with the free exercise by ministers of their own responsibilities. We however thought that these shortcomings were temparamental and would disappear in course of time.

Towards the end of 1941, important political developements took place leading to the dissolution of the cabinet which had been functioning in Bengal since the beginning of Provincial Autonomy. In the middle of 1941, I had my differences with Mr. Jinnah over my membership of the National Defence Council, and although I resigned that membership after some controversy, the letter containing my resignation was couched in a language to which Mr. Jinnah took serious objection. It is now evident that some of my the then colleagues in the Cabinet were already planning to oust me from office in order to secure the power for themselves and were only waiting for an opportunity. My dissension with Mr. Jinnah seemed to give them that opportunity. On the 1st of December, 1941, without any previous indication whatsoever, six of my colleagues tendered something like mass resignation. Two other resignations followed and I accepted the suggestion of the Governor to tender my resignation as well, in order to enable the Governor to constitute Cabinet. My conspiring colleagues moved heaven and earth to get Hindu colleagues but they utterly failed in their attempt. On the contrary, all the various groups in the House rallied round me, and no less than 137 M.L.As. sent on their own account a memorandum to the Governor declaring that they were willing to work the constitution under my leadership. About forty members, calling themselves the Muslim League Parliamentary Party in the Assembly sullenly held aloof. I did my utmost

to induce them to join me in forming an all-parties cabinet, but they stubbornly refused to do so.

One would have thought that the obvious course left for the Governor was to call me to form the cabinet. But he adopted a course which was at once unusual and unconstitutional. He waited long to see if Sir Nazimuddin could secure a majority and it was only when he finally despaired of having Sir Nazimuddin as Chief Minister, and perhaps because of pressure from other quarters that Sir John after 10 days' hesitation asked me on the 11th December, 1941, to form a cabinet. I shall not refer here to the manner in which my Party was crippled by the sudden arrest of Mr. Sarat Chandra Bose before I took oath of my office as Chief Minister. By the 12th December I was able to submit the names of 8 of my colleagues and I wanted time to submit some more names. The 9 ministers were sworn in on the 17th December and Sir Nazimuddin went into opposition on the pretence of upholding the interests of the Muslim League in Bengal.

The above is a plain brief narrative of the events which led to the formation of the Progressive Coalition cabinet in December, 1941, but there are certain points of great significance which do not appear on the surface and require clarification. It has to be remembered that the Progressive Coalition Party which was formed in 1941, and which was the Ministerialist party in the Assembly, consisted of all the parties in the House except a few dozen Moslems who called themselves the Moslem League party, and the European party

who ordinarily are not represented in the cabinet. I did my best to induce Sir Nazimuddin and some of his colleagues to join my cabinet but they refused to do so. Nevertheless, the Ministry that we formed in December, 1941, was as near an approach to a national cabinet as could be in the circumstances then prevailing in the Legislature. It was for the first time that Moslems belonging to various points of view, Hindus belonging to the Congress and of other schools of thought, together with various small groups and Scheduled caste groups all combined to co-operate in the administration on purely national and patriotic lines. I suspect that such a cabinet did not appeal to Sir John Herbert and he therefore hesitated to agree to formation of such a cabinet and continued to evade its formation till at last he was compelled to give in. It is well known that the union of Hindus and Moselms and of other communities in a common endeavour for the political advancement of the country does not commend itself to Britishers with imperialistic views. Secondly the group represented by Sir Nazimuddin was at that time a great political asset in the hands of British Imperialists. It was through this school of politicians that British statesmen hoped to fight the Congress and indeed all nationalist activities.

Significant events soon showed that the cabinet we formed in December, 1941. did not find favour with Sir John Herbert. Sometime in January, 1942, I requested the Governor to let me have an expanison of the cabinet, particularly by the addition of 2 Ministers

of the Scheduled castes. I also insisted on the appointment of Parliamentary Secretaries. The Governor told me plainly that no expansion of the cabinet would be made or Parliamentary Secretaries appointed till the Budget had been discussed and passed. The budget was passed in due course but he still refused to expand the cabinet. Each time that I wanted Sir John Herbert to take up the question, he put me off with some excuse or other, but showed himself extremely anxious to get Sir Nazimuddin and some of his colleagues into the Cabinet. Sometimes he used to tell me that there should be no expansion of the cabinet till the Moslem League had openly declared its attitude. I am referring to these facts in order to compare Sir John's attitude towards me when the cabinet was constituted in December, 1941, with the attitude of Sir John towards Sir Nazimuddin and the persent Ministry, constituted on the ruins of the Ministry of 1941. Suffice it to say, that not only did Sir John Herbert exert his personal influence to render the formation of the present cabinet possible but that he agreed to everything that Sir Nazimuddin proposed even to the extent of allowing absurdities in his efforts to help the Ministry. In my case, I had to be content with a cabinet of nine Ministers and one Parliamentary Secretary but Sir Nazimuddin was at once given a cabinet of 13 Ministers, 13 Parliamentary Secretaries and 4 additional Government Whips at an additional annual cost of nearly 2 lakhs of rupees to the public revenues.

I will now come back to the consideration of events after the formation of our cabinet of 1941. As I have said, Sir Johan Herbert was not only unsympathetic but in many cases positively obstructive. We felt his interference and obstruction in matters of day to day administration so very keenly that we apprehended that we were heading towards a crisis. I accordingly addressed a letter to the Governor on 2nd August, 1942, explaining to him that the situation was becoming critical and asking him to proceed on constitutional lines. I wrote :—

"At a time when the implications of the Congress Resolution have filled all our hearts with the deepest anxietly for the future of India, I feel unfortunately compelled to write this letter to Your Excellency. I wish I could avoid this correspondence. But circumstances have left me no other alternative, and it pains me much to have to say very bluntly that you have contributed not a little to the creation of the situation which has forced me to take this unpleasant step. You are the Governor of the Province and I am your Chief Minister and your principal adviser. Our mutual relations impose on both of us reciprocal duties and obligations, and I can never shirk the responsibility of intervening by means of friendly, but frank, advice whenever I find you are treading the wrong path. If I allow things to drift, I will be failing in my duty to you and to the people of this Province. I am convinced that the time has come when I must speak to you quite openly what I feel in order to avoid a con-

stitutional crisis in Bengal. More than once have I sounded a note of caution and have told you that you have been following a policy which cannot but have the inevitable effect of practically suspending the constitution in Bengal, reducing it to a position similar to that of the Provinces governed under section 93 of the Government of India Act. I have tried to convince you that, by listening to the advice of a few officials, you are acting as if your Ministers did not exist and that you were free to deal direct with Secretaries and other permanent officials. As the head of the Cabinet I cannot possibly allow this attitude on your part to go unchallenged. The present letter is no more than another and the last attempt to put matters right, and I sincerely hope that this letter will have the desired effect. I am writing with the stern resolve to assert myself as the Chief Minister, and I can assure you that if it leads to a constitutional struggle between you as the Governor and me as the Chief Minister, I will not shirk from doing my duty regardless of consequences.

Broadly speaking, there are two classes of cases wherein, I regret to have to say, you have failed to act as a Constitutional Governor. In the first category I will put that class of cases wherein I have detected your personal interference in almost every matter of administrative detail, including even those where your interference is definitely excluded by the Government of India Act. A little reflection will convince you how unwelcome must be such an interference, and how bitterly Ministers must resent impediments in the

way of the exercise of the very limited power which they possess under Act. As it is, the Act is bad enough and is no better than a clever subterfuge by which the permanent officials have got all the powers but no res ponsibility, where as the ministers have all the responsibility and no powers. But the camouflage with which the Act abounds is so transparent that it is not difficult to detect that, beneath the pretentious device of Ministers functioning in a system of Provincial Autonomy, the real power is still vested in the permanent officials; the Ministers have been given a mockery of authority, and the steel frame of the Imperial Services still remains intact, dominating the entire administration, and casting sombre shadows over the activities of Ministers. Any interference with even this limited power of Ministets is therefore the worst of its kind and I regret that your record in this respect has in no way been a negligible one. In the second category I would put those classes of cases in which you have, directly or indirectly, encouraged sections of permanent officials to flout the authority of Ministers, leading them to ignore Ministers altogether, and to deal directly with you as if the Ministers did not exist. Arising out of all this, there is also one important factor, not directly connected with the cases I have mentioned above, but which has also contributed towards the creation of the situation which I sincerely deplore. I refer to your attitude in Cabinet meetings, where you monopolise all the discussions and practically force decisions on your Ministers, decisions which

are in many cases the outcome of advice tendered to you by permanent officials belonging to Services whose traditions are fundamentally opposed to a genuine spirit of sympathy with the feelings and aspirations of the people.

"I know these are very harsh words to use to a Governor, but I want to be perfectly frank with you. I have decided to carry frankness to the extreme limit, because it is my earnest desire to render you the utmost possible help in the difficult days that lie ahead of us. Whether you will accept my advice or not, is a matter with which I have no concern. The choice must lie with you. It is a question of confidence and trust. British officials in India are now faced with a situation unparalleled in the history of any civilised country in modern times. Gigantic events are shaking Empires to their very foundations. Here in India, we are faced with a crisis which may lead to the most momentous events affecting the destinies not merely of the people of this country, but of millions of human beings all over the world. If ever statesmanship was indispensable in guiding the policy of rulers, the present situation in India has need of that statesmanship in the fullest measure. I am, therefore, asking you to play the role of a true statesman and to realise that India to-day has attained a position in world politics wherein the wishes of its people in matters of administration cannot be ignored with anything like impunity. Administrative measures must be suited to the genius and traditions of the people and not fashioned accord-

ing to the whims and caprices of hardened bureaucrats to many of whom autocratic ideas are bound up with the very breath of their lives. It is to your own Ministers and not to this class of officers that you should turn for advice if you desire to avoid pitfalls which have always been responsible for administrative disasters.

"Let me now come to facts. As regards your personal interference in total disregard of Ministerial responsibilities, I will briefly refer to only a few. There is first of all the case of your mandate to the Joint Secretary, Commerce and Labour Department, in April last in the matter of the rice removal policy. Here you acted as is the Government of India Act in Bengal had been suspended, and you were at the head of an administration under section 93 of the Act. In a matter of such vital importance, affecting the question of the food-stuffs of the people, you should have called an emergent meeting of the Cabinet and discussed with your Ministers the best means of carrying out the wishes of the military authorities and of the Central Government. But you did nothing of the kind. You did not even send for the Minister in charge of the Department, although he was readily available, but you sent for the Joint Secretary instead. You gave him orders to take up the work of removal at once, without caring to find out the exact position regarding the excess of rice and paddy in different areas and the best means of removal and the cheapest method of carrying out the scheme, The Joint Secretary says that when

he was arranging to carry out your orders, you grew impatient and gave him definite directions to arrange for the removal of excess rice from 3 districts within 24 hours. Even then you did not consult your Ministers, because presumably you thought you could not trust them. The result has been a dismal failure so far as this particular policy is concerned. The Joint Secretary, in his haste and hurry to oblige you, advanced twently lakhs of rupees to a nominee of a friend to begin the work, without any terms having been settled, or without any arragements having been made for the safety of public money, solely for the purpose of showing that he had started carrying out your orders. When we came to know of all this at a late stage, we did what we could to retrieve the unfortunate position into which Government had been placed, but even then we could not avert the disaster. At the present moment we are faced with a rice famine in Bengal mainly in consequence of an uncalled for interference on your part, and of hasty action on the part of the Joint Secretary. As regards the huge sums of money advanced indiscreetly under your orders by the Joint Secretary in the first instance, our legal advisers are extremely dubious if we can ever expect to recover the whole amount. The loss to Government is bound to be a considerable one, and the responsibility for this needless waste of public money must be shared by you and your Joint Secretary.

"Then I come to the boat removal policy. In this you have all along been acting under the advice and

guidance of some permanent officials without taking your Ministers into confidence. You have even ignored one who happens to be not merely your Chief Minister but also the Minister in charge of the Home Department. You seem to have been consulting the Military authorities in secret and discussing plans with permanent officials ; and when everying is almost settled and matters have gone beyond control, you sometimes talk to us with a view to impart information as to what had been done or was being done. The most outstanding instance of blunder which has been committed by the permanent officials, apparently with your knowledge and concurrence, has been the case of the prevention of the boats from going out into the Bay of Bengal for the purpose of cultivation of the lands in the various islands lying at the mouth of the Delta. Some tardy recognition of the urgency of the sitution was made when a limited number of boats was allowed to go out into the Bay, but it was then too late to mend matters. I will not go into details, nor is it necessary to do so. It is enough for me to emphasize that the whole scheme was planned in consultation with the Military authorities and some permanent officials, without the knowledge not merely of the Cabinet but even of the Home Minister.

"I now come to the question of the formation of Home Guards. It is true that you have recently given a belated consent to our proposals regarding these organisations, but the mischief of officialisation of Home Guards had already been complete. Constitutionally,

you should have accepted our advice, but you did not, with the result that the permanent officials have practically officialised the whole concern. I do not know how far you will now be able to retrieve the mischief that has been done.

"I will now say a few words about the manner in which you have all along resisted my efforts for the expansion of the Cabinet and the appointment of Parlimentary Secretaries. Whatever may be your powers under the Act, it is evident that as the Chief Minister I should have the final say in the matter of composition of the Cabinet and in parliamentary appointments, and that except for the gravest of reasons, you should not reject my advice in such matters. In England, it would be unthinkable that the Prime Minister's wishes about the Cabinet should be ignored. But your attitude has been one of definite disregard of my wishes in these respects. You seem to have taken up this attitude, perhaps in the forlorn hope of getting Sir Nazimuddin and his group into the Cabinet. Eight months have now passed and your efforts to placate them have borne no fruit, but your reluctance to accept my advice has not been slow to produce the most bitter results inasmuch as it has hampered the administrtion of the various departments of Government and also thrown a burden on our shoulders which it is physically impossible for us to bear.

"During the last few days I have discovered that orders have been passed by Secretaries either on their own responsibility or with your approval, explicit, or

implicit, by totally ignoring the Ministers. For instance, orders have been passed that the Government of India should be requested to send back toBengal all officers lent to India by the Bengal Government ; orders have been passed that the powers exercisable by the Provincial Government under section 76 (*B*) of the Defence of India Act and Rules be delegated to local officers. I was not consulted in these cases although they affect vital matters of policy. Every day some fact or other comes to light which reveals how orders had been passed in important matters without the cognisance of the Minister concerned, I strongly deprecate and resent this procedure. After all, I and my Cabinet are responsible for whatever action is taken by Government and announced in your name. It is wholly unconstitutional and even unfair to saddle us with responsibility for matters of which we have had no knowledge and with which we have had no concern. Posts are created for officers without our knowledge, and forced upon us for acceptance, under circumstances which leave us no alternative but to agree. I could multiply instances, but I purposely refrain from doing so as I feel that what I have said already is enough to justify my grievance.

"I now come to the class of cases in which permanent officials have acted in defiance of Ministers by completely ignoring their authority. Let me begin with the case of the outrages alleged to bave been committed on women at Sanoa in the district of Noakhali. There was a Deputy Collector at Feni who

happened to be the Additional Sub-divisional Officer at the time, who had sent a telegram to the District Magistrate apprising him of what had occurred and asking for instructions how to proceed. This action on the part of the Deputy Collector was resented by some of the officials, presumably because they thought that the telegram might be a very important piece of evidence against the guilty persons. This officer who had only tried to do this duty, was transferred from Feni by a telegram, at the bidding of the local officials, by the Chief Secretary. And the Chief Secretary passed orders without consulting me who happened to be the Chief Minister and the Home Minister! I come to know of this transfer several days after it had taken place when I went to Feni to find out what the facts of the alleged outrage actually were. I have since seen the papers relating to this transfer. The telegram of course is not on the File, but there is a remark by a high official that the Deputy Collector had acted indiscretely. We know what this means. The Deputy Collector was naturally frightened and sought safety by applying for leave. This leave was refused, and the officer was summarily transferred to Serajganj, because high officials wanted to bundle him out of the Chittagong Division altogether.

"May I in this connection remind you that when you came to know of my programme to visit Feni, you advised me not to go because you thought that my visit would embarrass the local officials ? I explained to you that I had no intention of embarrassing any-

body, but I considered it my duty to pay a visit to an area where the people seemed to be so much distressed. When I went there I found that practically all the officials of the Dhittagong Civision had gathered at Feni with a view to prevent my visit to the place of occurrence. The Commissioner of the Division plainly told me that he had received a telephonic message from your Secretary asking him to persuade me to abandon my visit. I did not go to the village because I did not want to quarrel with the officials but met relations of most of the women said to have been outraged and the relations of their deceased husbands. I had also certain documents brought up to me which left no doubt in my mind as to what had happened. The reasons for the telegraphic transfer of the Deputy Collector, and for the anxiety shown by you and the local officials to prevent my visit to the locality are abundantly clear. Even the Chief Minister had to be kept out of the way, because he could not perhaps be trusted to fall into line with the official plans. Further comment is superfluous.

"I now come to the events leading to the closing of the Lady Brabourne College in Calcutta. You referred to this fact in the last Cabinet meeting and tried to defend the Secretaries, the Director of Public Instruction and the other permanent officials. I said nothing to contradict your *assertions in apologia* because I felt so aggrieved that I thought silence was the better course to adopt to prevent an outburst. The facts constitute a revolting instance of insubordination, and the main incidents are well-known. Inspite

of assurances given to me by the Revenue Secretary and other officials that no decision would be taken regarding the Lady Brabourne College without reference to me, it appears that the various Secretaries and the Director of Public Instruction between themselves managed to hand over the buildings and appliances to the military authorities without reference even to the Minister in charge. The official note submitted by the Director of Public Instruction was to the effect that he had confirmed the arrangements. It is reminiscent of the language of the officials half a century ago when every bureaucrat in the Writers' Buildings used to consider himself as big as the Lieutenant-Governor of Bengal. These officials who have bungled over the Lady Brabourne College incident should be told very plainly that things are now entirely different from what they have been in the past, and that they must know how to adapt themselves to the altered circumstances.

"I will now say a few words about the appointments to A.R.P. services. Muslims have not got even 5 per cent. of these appointments made by the Controller and his subordinates in Calcutta, and not even 2 per cent. of the appointments made by the permanent officials in the mofussil. To add insult to injury, some of these officials have stated that competent Muslims were not forthcoming. Some officials have taken the strange plea that Muslims are not willing to accept appointments on low salaries and some have hazarded the very ingenuous and novel excuse that

Muslims are well placed in life and therefore not available for A.R.P. appointments. I may tell you that these statements are not correct, and it is surprising that high officials holding responsible positions should have added to rank injustice the frivolity of baseless excuses. I am annexing some tables of figures which will show how Muslim interests have been sacrificed by these officials. The situation has passed beyond the stage of argument and explanation. The Muslim community will accept no denial and I insist that the erring officials be compelled to make ample amends without delay. I propose to take up this case with the officials concerned and see that justice is done to all communities and interests.

"I want you to consent to the formation of a Bengali Army consisting of a hundred thousand young Bengalis consisting of Hindu and Muslim youths on a fifty-fifty basis. There is an insistent demand for such a step being taken at once, and the people of Bengal will not be satisfied with any excuses. It is a national demand which must be immediately conceded.

"You should act as the constitutional Governor and not as the mouthpiece of permanent officials, or of any political party. In other words, you should allow Provincial Autonomy to function honestly rather than as a cloak for the exercise of autocratic powers as if the Province was being governed under section 93 of the Act."

I received no reply to this letter of the 2nd August, 1942. and I was surprised that even in the

course of private interviews, Sir John Herbert never referred to the matters I had discussed in the letter regarding my strong criticisms of his actions. It is significant that he never attempted to reply to any of the very serious allegations I had made in the letter, although possibly he was all the time harbouring resentment. A few days later came the Bombay resolution of the All-India Congress Committee and the disturbances which broke out all over India on the 9th of August. It is painful to refer to the unfortunate happenings in India which followed the Congress resolution, and Bengal naturally had more than its share of the policy of repression which was carried on throughout India in the name of suppression of what was called the Congress rebellion in the country. The Defence of India Rules were freely used to arrest and imprison prominent leaders of the people and also to impose what was called collective fines in areas where the disturbances happened to be of an abnormal character. In the case of many of these arrests and orders of imprisonment, I differed from the police point of view and also from the Governor's point of view. In a very few cases, my recommendations for release were accepted, but I was over-ruled in every other case. In some cases, the evidence appeared to me to be so slender that I expressed my surprise that the police should be insisting on orders being passed on practically no evidence. A few of these arrested persons have been released within the last week and I wish the materials on which they had

been originally arrested and the reasons for which my orders of release were over-ruled by the Governor could be made public. Possibly, the Governor has agreed to the release of prominent politicals in order to cover the present Ministry with short-lixed glory, but the public can easily see through the game. In many cases orders passed by me as long ago as August or September last have been allowed to remain unexecuted till some momentous considerations of State have induced the Governor to consent to their release at this moment just on the eve of the session of the Legislature.

In the case of collective fines, we had tremendous difficulties. In most of the cases the amounts imposed were hardly commensurate with the crimes that had been committed and in almost all of these cases the innocent suffered more than the guilty. As usual, my dissentient voice never prevailed and the police point of view and the recommendations of the permanent officials found favour with the Governor.

All this time, I had been urging upon the Governor to let me have an expansion of the cabinet both because the number of Ministers was not adequate, to cope with the enormous amount of work, and also because there were groups in the Progressive coalition party especially belonging to the scheduled caste which were not adequately represented in the cabinet. But in all these efforts, I failed completely. The Governor did not agree to any expansion and avoided acceding to my request on some pretext or other.

Inspite of all my efforts to avert a crisis, time brought no change in attitude of the Governor. Our relations day by day became strained, and matters came almost to a crisis during the August and September Session of the Assembly. The European Party had tabled a resolu ion supporting all the measures taken by the Government to suppress what was called the Congress rebellion, and the so-called Muslim League party had tabled a resolution expressing the opinion that the measures taken had been inadequate. Both these resolutions were somewhat embarrassing to me because neither of them contained the whole truth. The Muslim League motion was meant as a vote of censure and the European party resolution was meant to extract a statement from the Congress groups that the repressive measures taken had been justified. The Assembly, however, broke up under somewhat boisterous scenes of indiscipline manifested by a few members of the Muslim League, but as subsequent events went to show, the matter did not terminate there.

In the meantime, the situation in the province deteriorated and the disastrous consequences of the mistaken rice policy began to manifest themselves. There was shortage of rice even in the most fertile portions of Bengal and inspite of loud protests by the people, reckless speculation in rice by Government agents began to deprive the people in the rural areas of even their ordinary requirements of food.

I went to Delhi to attend a conference regarding

the condition of rice and other foodstuffs and I got an assurance from the Government of India that all exports of rice from Bengal would be prohibited. Unfortunately, however, export was never stopped and authentic reports have disclosed the deplorable fact that even when there was a rice famine in Bengal, exports of rice continued to go on in large quantities. It was at this time that the Governor decided to appoint a rice controlling officer in place of Hon. Somersett Butler to control all sales and purchase of rice and selected Mr. McInnes for this purpose. I had represented to the Governor that an Indian with sufficient experience of business in rice should be appointed, but he was of a different opinion. I was surprised one day to hear that the selection had already been made and Mr. McInnes had been asked to join the post. I made no secret of the fact that I did not approve either of the appointment of Mr. McInnes or the manner in which that appointment had been made. Matters were becoming unpleasant and Mr. Pinnell came to see me one day with the file relating to that appointment. After an elaborate discussion I thought that it would be useless to upset an appointment already made, and I therefore agreed to give Mr. McInnes a chance. I was, however, surprised to find subsequently some remarks made by the Governor in which the facts about the appointment of Mr. McInnes had been very much distorted and there was also a remark by the Governor that Mr. McInnes and Mr. Pinnell should be allowed to go on unchecked

with their own policy, and any interference on the part of the Ministers with their work should be reported to the Governor. I took serious objection to these remarks and I felt compelled to write a frank letter to the Governor, explaining to him my point of view and telling him how bitterly I resented the whole affair. The following is a true copy of the letter.

88/2. Jhowtola Road,
Calcutta.
The 9th January 1943.

Dear Sir John,

I was surprised to receive from Mr. Pinnell a copy of certain notes purporting to embody the substance of our discussions during my interview with you on the 2nd January. I find on enquiry that my colleagues have also got extracts of the said note which attribute to me facts which I dispute. Out of sheer courtesy at least, my consent should have been taken before the document was circulated. I wonder if the document was drafted and circulated for the purpose of binding me down to decisions and which I did not approve. What is most regrettable is that the document ends with a veiled threat. It raises a constitutional issue of vital importance which requires full clarification.

In the first place, permit me to point out that I never agreed to the appointment of Mr. McInnes, because I know nothing about the man, know nothing about the duties which he was going to perform, and lastly because the post to which he has been appointed

was not sanctioned by me as Finance Minister. You remember that when I saw you on Saturday, the 2nd of January, 1943, you met me in a very ugly mood. You laid too much stress on the point that I was absent from Calcutta for 4 days from the 27th December, the 30th December, both days inclusive. Calcutta had assumed normality then and some of our colleagues were present in town throughout the Christmas Vacation. After all even busy Governors absent themselves from town on private business.

You then brought in the question of the appointment of Mr. McInnes. I told you that I knew nothing about the affair and I could not signify my approval. In the end I left you by saying that in case H. M. Commerce and Labour had agreed to the appointment, I was not going to raise any difficulty. I made my position clear that although I did not say anything against the decision that had been taken, I should not be presssed to approve of what had been done. I now find that you have definitely put in the note that I agreed to the appointment of Mr. McInnes. I give my emphatic denial to this statement and say definitely now that the issue has been raised, that I feel compelled to record my protest against the appointment.

I am surprised at the further statement in the note that I agreed that discussions in Cabinet were unnecessary. I definitely remember that such a point never arose in the course of our discussion that morning. It is evident that the post to which Mr.

McInnes has been appointed is a new post, and concurrence of the Cabinet should, therefore, have been taken. Discussions in Cabinet were not only necessary but absolutely essential. The last sentence in the note is most highly objectionable. I find that it has not been incorporated in the note circulated to my colleagues. You say that the Departments are to report to you any interference or attempt to influence the activities of the Department. I should like to have a clear statement from you as to what you mean by interference or attempt to influence. As the Chief Minister of the province, I have every right *to intervene* if I find that anything is going wrong in the administration, and I repudiate the idea that I would attempt to influence illegally the activities of any one, be he a Minister or an official of Government; you say that the Department concerned should report to you, so that you may take appropriate measures. In other words, the Ministers must be compeletely eliminated and Government carried on by you through the various Departments as if the constitution did not exist. I must point out to you that it is an unconstitutional interference on your part with the rights and privileges of Ministers.

Lastly, I record my disapproval of the whole policy you and some of your officers have been pursuing since April, 1941, regarding the matter of food-stuffs and supplies. I reserve to myself the right to make a public statement, if necessary, that actions had been taken in many cases without reference to me and in some cases even against my wishes.

Yours sincerely,

Sd. A. K. Fazlul Huq,

While things were still in this unpleasant state, the Governor began to insist that Cabinet Miniters should make what he called, an unequivocal statement regarding their attitude towards the measures taken to suppress the Congress movement, He expected that at the earliest opportunity we should make such a statement to the House. My colleagues belonging to the Congress party and our supporters belonging to the Congress groups had no hesitation in making a full and frank expression of their attitude towards the movement and also the measures that had been taken by the Government to suppress the movement. Accordingly, my Hindu colleagues and I met the European party at a small meeting and there explained our whole position. The European party were fully satisfied and for the moment there was something like peace. Various events, however, brought to the surface the latent feelings of dissatisfaction which the Governor, the permanent officials, and the European party bore towards me and some of my colleagues. Matters came to a head when Dr. Syama Prasad Mookerjee made his statement to the House on the 12th February regarding the circumstances leading to his resignation. The statement made by Dr. Mookerjee added fuel to the fire. We were asked to dissociate ourselves from the statement made by Dr. Mookerjee, and practically to make a statement in the House that the Governor had been acting in a ms: constitutional manner and that the measure taken by Government had not only been amply justified but

had been carried out under circumstances of exceptional clemency under great provocation. Personally, I was not prepared categorically to deny all that Dr. Mookerjee had said ; there was much in that statement with which I certainly agreed, and I could not reconcile my conscience with the suggestion that had been made to me, to condemn statements with which I was more or less in agreement. There cannot be the slightest doubt that the European party became violently inflamed against me and I now suspect that from February onwards there was a sort of an agreement between my political adversaries on the one hand, and high officials and the European party on the other, to oust me from office. I felt the situation very keenly. I found myself working in an uncongenial atmosphere and always hampered by those from whom I expected support and co-operation. I thought that the best solution of the situation would be to have an all-parties Cabinet, which would be in a position to work unaffected by any opposition, and would be strong enough to resist any attempts on the part of any party or group to hamper the activities of the Government.

" It was at this stage that I made my statement in the House regarding Government policy on Midnapore affairs. The matter came up before the House in the course of a discussion on an adjournment motion, and all sections of the House except the European party strongly urged the appointment of a committee of enquiry. The allegations made were of so serious a character and yet so specific, that it was felt that it

would be in the interest of the officials themselves to put the accusers to proof of their accusations. I agreed. This amounted to a promise to hold an enquiry into the allegations, and when the Governor heard what I had said he wrote to me the following letter.

Government House,
Calcutta,
The 15th February, 1943.

My Dear Chief Minister,

I have received information which I have difficulty in crediting in view of your report on Midnapore at your last interview, that you have given to-day in the Legislature an undertaking for an enquiry into the conduct of officials in that district. You are well aware that this subject attracts my special responsibilities and you are also well aware of my views on the undesirability of enquiries in this matter. If my information is correct I shall except an explanation from you at your interview to-morrow morning of your conduct in failing to consult me before announcing what purports to be the decision of the Government.

Yours sincerely,
Sd. J A. Herbert.

The Hon'ble Mr. A. K. Fazlul Huq.

I could not take the situation lying down and wrote to the Governor the follow reply :

114-A, New Park Street, Calcutta,
The 16th February, 1943.

Dear Sir John,

In reply to your letter of the 15th February, 1943, I write to say that I owe you no explanation whatever is respect of my conduct in failing to consult you before announcing what according to you is the decision of the Government ; but I certainly owe you a duty to administer a mild warning that indecorous language such as has been used in your letter under reply should, in future be avoided in any correspondence between the Governor and his Chief Minister.

During my last interview I certainly did not convey any impression that the affairs of Midnapore did not call for an enquiry. That interview only lasted for 15 to 20 minutes, and reference to Midnapor in the course of the discussion did not take up more than 5 minutes. It was for the first time during the last 5 months that I had been to Midnapore and even that for only 6 hours. I could only visit 2 or 3 villages, which are alleged to have been scenes of some outrages on women. All that I told you was that there had been no regular enquiry and it was difficult to say whether there were no exaggerations or whether these allegations were true. It was obviously impossible for me to give you anything like a report about Midnapore. As a matter of fact, I had been asking the Home Department officials to let me have the Government version about Midnapore. But they utterly failed to do so or at any rate, could not supply me with any report, except a scrappy note which was handed over to me by Mr. Porter in the Assembly House during the course of the

debate yesterday. Even these notes do not, in the least, pretend to touch even the fringe of the various serious allegations that were made yesterday on the floor of the House. It is, therefore incorrect to say that I had given you any report about Midnapore. I do not know what you mean by this remark but let me tell you that I know nothing about what has happened in Midnapor, nor was it possible for me to give you any information, nor did I actually give any report about the happenings in the district.

Permit me to tell you that the adjournment motion was tabled on Friday and the whole of the Home Department knew, and I am absolutely certain that you yourself knew, that serious allegations were going to be made about the happenings at Midnapore. In the course of the speech made by Dr. Syamaprasad Mookerjee on the opening day of the Session, he did not mince matters about Midnapore and he gave sufficient indications of the kind of speeches that would be made on the floor of the House in the course of the Debate. It is impossible for me to believe that you did not feel that there would be an insistent and almost irresistible demand for an enquiry from all sides of the House. If your feelings have been that no enquiry should be instituted, it was your clear duty to send for me and tell me that whatever the demand may be and from whatever side it may be, I was to have told the House that you were opposed to such an enquiry and therefore no enquiry can be promised by Government. Let me add also that since Saturday, we had been

closetted together with higher officials of the Home Department who knew we were in favour of an enquiry. How can I believe after this that you knew nothing about a very certain demand that would be made for an enquiry? You neglected your duty in sending for me and, now you accuse me that in the House I gave an unauthoritative decision of Government. When I was in the House, I found that not only were the most serious charges brought by responsible members of the House, but that the demand for an enquiry was not opposed by a single member. Even the European Group kept silent and the Opposition were loudest in condemning us for not having made enquiries long before. In the circumstances, I felt, in consultation with my colleagues, that it was impossible to resist the demand for the enquiry that had been made.

I enclose herewith a copy of the concluding portion of my speech which I delivered yerterday on the floor of the House. Contrary to my usual practice, I read out from a manuscript the last portion of my speech. A perusal of the speech will convince you that what I said was that the Council of Ministers, as distinguished from Government, were agreed that it would be expedient to hold a committee of enquiry if only with a view to exculpating the public servants from the very grave charges such as had been levelled against them. You will thus see that the question whether or nor the Council of Ministers should tender to you a particular advice does not come within the purview of your

special responsibilities, even if it be conceded that the acceptance of such advice would involve the exercise of your special responsibilities. In these circumstances, I do not think, that in so far as my statement in the Assembly is concerned any of your special responsibilities are attracted. If and when the Council of Ministers tenders to you advice contemplated in the penultimate sentence of my speech, it will then be for you to consider whether in accepting this advice your special responsibilities are attracted.

It appears from your letter that you are not prepared to give your consent to the constitution of a committee of enquiry. If so, the only course left open to me is to make a statement in the House in which I shall endeavour to explain that my statement made yesterday should not be taken as a commitment on the part of the Government to a committee of enquiry, and that I propose to read out to the House your letter under reply so as to explain my position. I shall not however do so without giving you previous notice. My colleagues and I are responsible to the Legislature as and the legislature has a right to expect a sufficient explanation to why a committee of enquiry cannot be constituted. The only explanation which I can offer is the letter I have received from you.

I was due for an interview with you this morning at 10. I have already verbally indicated to your Private Secretary that it will not be possibie for me to go and see you, because I consider that unless sufficient amends are made for the language used in your letter under

reply, no useful purpose would be served by an interview wich would admittedly have been carried out in a spirit of anger.

Yours sincerely,
Sd/- A K. Fazlul Huq.

His Excellency Sir John Herbert G C.I.E.,
Governor of Bengal.

All this happend on the eve of and during the Budget discussion, and the voting on Budget demands, and I had to plunge into the most strenuous, most critical and most difficult of all the Assembly sessions with a mind weighed down with worries and anxieties for the future. Many of my supporters were in jail, and although the European party were not openly in Opposition, the support they occasionally gave was lukewarm and half-hearted. Many of those whom I had hitherto looked upon as my supporters seemed to be in collusion with the Opposition, and our Government was subjected to constant fussilades from all sides. Through the mercy of Providence, however, we overcame all these attempts to overthrow us, till we reached the votings on the 29th March when there was only one day left over for votings on Budget demands.

"I suddenly received a summon form the Governor to see him at 7-30 p.m. on Sunday the 28th March. I was in high spirits when I went to Government House, because I found all my colleagues and our supporters confident of what appeared to be our invulnerable position. When I met the Governor at

about 7-30 p.m., I found him seated with his Secretary, and when we began the conversation we three were the only persons in that room. After a few minutes' talk, Governor asked for my resignation. I have told the story so often that I feel I would be boring the House with a repetition, but for the sake of continuity of narrative, I cannot but repeat the wonderful story. I vehemently but respectfully protested, but the Governor told me that he wanted my resignation, as I had made statements in the House to the effect that I would be prepared to tender resignation in order to facilitate the formation of an all-parties Cabinet. I said that I still adhered to that position but that was no reason why I should resign without being satisfied about the fulfilment of the conditions for an All-Parties Ministry. He, however, insisted on my tendering resignation then and there, and in order to clinch the matter, he brought out a typed piece of paper purporting to be my letter of resignation to the Governor. I explained to him that if I tendered my resignation at that stage, the Budget demands would remain unfinished and the Finance Bill also would be sabotaged. But the Governor was still insisting on my signature. I then asked for time to consult my colleagues and my party. But the Governor was obdurate and refused my request. He was determined to have my signature then and there. I still resisted. Upon this, the Governor slihtly changed his front and assured me that no effect would be given to the letter of resignation immediatly, but that he would keep it himself to be shown to

party-leaders in case there was a possibility of an all-parties Cabinet. Upon this assurance given by the Governor, that the letter of resignation would not be made effective unless actually required for the purpose of the formation of an all-parties Cabinet, I singed that letter and handed it over to the Governor. I again reminded him that it was not meant to be treated as a letter of resignation and that no effect should be given to it unless the circumstances arose for which I had consented to sign that previously drafted piece of paper. I now recall an incident which did not strike me then, but which I now consider extremely significant. As soon as I had handed over that document to the Governor, he turned to the Secretary and asked him to telephone something to the European party. A letter of resignation had been drafted, and kept ready-typed for signature Governor insisting for signature, although my resignation meant the sabotage of the entire Budget, the telephone message went to the European Party as soon as I had put my signature ; his acceptance of the letter of resignation came the same evening within two hours of my return home, contrary to his definite assurance. Who can deny that the conclusion is irresistible that there was design and conspiracy of a sordid charcter?

As soon as the House met, I was questioned as to what had happened and I made a brief reply. The House was adjourned and I immediately wrote the following letter to Sir John :

Calcutta,
The 29th March, 1943.

Dear Sir John,

I understand that Your Excellency wants me to see you. I am, at the present moment, so mentally upset that I do not find it possible for me to have any useful discussion with Your Excellency on any subject.

From early morning I was hearing all sorts of rumours that I saw Your Excellency last night and everybody seemed to know that I had tendered my resignation which had been accepted. As soon as I entered the House this morning, pointed questions were put to me as to whether it was a fact that I hed tendered resignation and that the resignation had been accepted. You will judge for yourself that I could not tell a lie, and I had to tell the House that I had to sign a letter of resignation which had been already drafted and that I received your letter accepting my resignation in course of less than a couple of hours. You will, therefore, now see the reason why I had advised you not to press for my resignation. I pointedly told you about the Budget and the Finance Bill and as far as I remember, you said that I had to pilot the Finance Bill and therefore the resignation would not take effect immediately. I was, therefore, surprised when I found two lines as a postscript in your own handwriting that you would defer the announcement of the acceptance of my resignation till 8 p.m. to night, and that you are doing so at my request. I fully remember that I did not make any such request. I said that the resignation should not be accepted for the present, and I do not understand how the question of deferring the announcement

of acceptance till 8 p.m. to night could possibly arise. I do not see the particular significance of 8 p.m.

I must now tell you something about the constitutional position. As soon as I made the announcement in the House that my resignation had been accepted, pointed questions were put to me whether our responsibilities were joint or several, and I told that our responsibilities were joint and several Thereupon the Speaker ruled that the Ministry is *functus officio* and therefore could not move the Budget demands, and on this the Speaker adjourned the House for a fortnight.

I have made a short statement, as I could not refuse answering questions that were put to me concerning such an event. I have, however, refrained from going into details.

A party meeting is going on and I am being pestered with questions from all sides as to why I signed the letter of resignation and I am being seriously taken to task for letting the party and my colleagues down. Vigorous speeches are being made that I had betrayed my colleagues. I remember that I requested you not to insist on my signing the letter of resignation before I had an opportunity of consulting my colleagues and the party, but you said that the the letter should be signed then and there, which had already been drafted in anticipation. I only carried out Your Excellency's request; but I knew that trouble would arise and trouble has arisen.

As I was going to sign this letter, I was informed that you wanted to have a Cabinet meeting this after-

noon. I was also told that you hold the view that my resignation does not take effect till 8 p m. to-night, and as regards the others, they continue in office since they have not officially tendered resignation. My colleagues and I differ from you in this view. So far as my resignation is concerned it has already been accepted and your postscript said that only the announcement would not be made till 8 p.m. this evening. It is obvious that the acceptance and the announcement are two different things. Once the resignation is accepted and communicated, it does not matter when it is announced, As regards the other Ministers, it may be a debatable point, but the Speaker has ruled that they are *functus officio* in consequence of my resignation.

Unless, therefore, your acceptance of my resignation is withdrawn and the letter I had to sign at Government House is treated as cancelled and returned to me, there cannot be a Cabinet meeting to-day.

Yours sincerely,
Sd.- A.K. Fazlul Huq.

H.E. Sir John Arthur Herbert, G.C.I.E.

It is significant that I received no reply to this letter and that the allegations made in this letter have not yet been contradicted. The postscript in his letter accepting my resignation deserves more than a passing notice. It means that although the Governor knew that I had become functus officio by reason of his acceptance of my resigation, he wanted me to appear before the Assembly, as if I was still a Minister in

office, move for demands in his name and thereby knowingly perpetrate a fraud on the Assembly. And I was prompted to perpetrate this fraud by no less a person than the Governor of the Province! The fact that the Governor did not make any comments on the allegations contained in this letter, leave alone contradicting them, is of great significance. I repeated all my allegations against the Governor in a letter which I wrote to His Excellency the Viceroy on the 16th April, a copy of which I forwarded to the Governor. I have made my accusations and allegations public in numerous occasions, but up till now, the Governor has not thought fit to reply to my allegations contained in letters which I purposely wrote to him, nor have there been any contradictions in Press notes or communiques issued from Government House. My allegations and accusations cannot therefore be described as after-thoughts spun out of my imagination, and they remain absolutely unchallenged.

To come now to the activities of Sir John Herbert after he had once managed to secure my so-called letter of resignation. All-ideas of having an All Parties' Ministry were cast to the winds and the Governor began to act as if the only end he had in view was somehow to smuggle Sir Nazimuddin into power. He forgot his solemn promises given to me that he would consult the leaders of all the parties and try to form a national Cabinet. He fargot also his solemn assurances given to me on the night of the 28th of March that he was anxious to retain me as his Chief minister, and that I had not

forefeited his confidence but that he was asking me to sign the so-called letter of resignation only to enable him to parley with party leaders. I possess abundant documentary evidence that Sir Herbert knew that I would consent to voluntary resignation only, and only if, such resignation appeared to be indispensably necessary for the purpose of the formation of an all-parties' Cabinet. Extracts from my crrespondence with Sir John Herbert will make this abundantly clear. On the 21st March, I wrote as follows :—

144-A, Park Street, Calcutta,
21st March, 1943.

Dear Sir John,

I have always held the opinion, never so strongly as at the present moment, that in order to cope with the abnormal situation prevailing in the country, it is necessary to have a Government composed of all parties in the House. As I have explained to Your Excellency, if at any time I am found to be a hindrance to the formation of such a Government, I shall be glad to tender resignation of my office.

I hope these few lines will enable Your Excellency to explore all possible avenues for the formation of a Cabinet which is most suited to the present needs of the country.

Yours sincerely,
Sd. A. K. Fazlul Huq.

H. E. Sir John Arthur Herbert, G.C.I.E.

Again on the 26th March, I wrote :—

The 26th March, 1943.

Dear Sir John,

With reference to my conversation with Your Excellency this morning, I write to say that at a time like this it is extremely desirable that the Cabinet should be constituted so as to include the representatives of all the political parties in the Legislature. As I have several times told Your Excellency, I should always be ready to help you in bringing about such a consummation, and if at any time Your Excellency feels that I am an obstacle to the formation of such a Cabinet, I shall be prepared to tender resignation of my office in the interest of the country.

Yours sincerely,
Sd. A. K. Fazlul Huq.

H.E. Sir John Arthur Herbert, G.C.I.E.

To this I received the following reply :—

Government House, Calcutta,
The 26th March, 1943.

D O. No. 4106/S.

Dear Chief Minister.

H. E. asks me to thank you for your letter of to-day's date in which you state that you are willing to tender your resignation in order to facilitate the constitution of a Cabinet comprising all political parties. I am to enquire whether you would have any objection to the letter being shown to party leaders with a view to consulting them as to the formation of such a Cabinet.

Yours sincerely,
Sd. A. De C. Williams.

Even the so-called letter of resignation drafted and kept ready by the Governor himself emphasized this point of view. That letter runs in the following terms :

Dear Sir John,

Understanding that there is a probability of the formation of a Ministty representative of most of the parties in the event of my resignation, I hereby tender my resignation of my office as Minister in the sincere hope that this will prove to be in the best interests of the people of Bengal-

Yours sincerely,
Sd. A. K. Fazlul Huq.

Dated the 28th March, 1943.
To H. E. Sir John Arthur Herbert, G.C.I.E.

It is therefore evident that even up to the 28th March, 1943, when Sir John Herbert got my signature on that letter of resignation, it was agreed that it should be the endeavour of the Governor to form a representative and all-parties' Cabinet. But the cabinet that has been formed is not an All-Parties cabinet. It is not even representative of the majority of the various parties in the House. It is not only much less representative than the cabinet I had formed in 1941 but is in fact a cabinet composed of a single party in the House under the domination of a political caucus composed of the members of the family of the Khwajas of Dacca. Sir John Herbert so far forgot himself that he stooped to canvass support for Sir Nazimuddin's cabinet. He then procceded to put Sir Nazimuddin in power with a cabinet consist-

ing of 13 Ministers, 13 Parliamentary Secretaries and 4 Government Whips, although in our time we were not allowed any expansion of our small cabinet of only eight Ministers or the appointment of more than one Parliamentary Secretary.

I am reminded at this stage of something very similar which happened in the year 1926. Lord Lytton was then the Governor and was anxious to have Sir Abdur Rahim as one of his Ministers, provided a suitable Caste Hindu could be induced to become a colleague of Sir Abdur Rahim. It so happened that in consequence of a speech which Sir Abdur Rahim had delivered at Aligarh in 1925, no caste Hindu would consent to join him as a colleague in his Ministry. Lord Lytton gave Sir Abdur Rahim only 4 days' time to find out a Hindu colleague and when Sir Abdur Rahim reported that be had not been successful in his attempts to induce any caste Hindu to join him as a Minister, Lord Lytton politely told Sir Abdur Rahim that he could not under those circumstances accept Sir Abdur Rahim as a Minister. Lord Lytton acted in a perfectly constitutional way. He realized that it was no business of his to do the work of a canvasser for Sir Abdur Rahim. But Sir John Herbert is apparently a Governor of a different type. When once he had made up his mind that I should be removed from the office of Chief Minister, he did not hesitate to adopt any measures to achieve this end' He did not hesitate to cajole me persuade me and to hold out promises which he never meant to keep. But he forgot all his

promises and cast his assurances to the winds the moment I had turned my back on Government House, and manifested all the zeal of a partisan in trying to secure colleagues for Sir Nazimuddin.

The above is by no means an exhaustive list of the many cases of unconstitutionalism and partisanship on the part of Sir John Herbert. To-day the House meets for the first time after the formation of the new cabinet, and serious questions affecting not merely the welfare but even the existence of sixty millions of the people of this province will be discussed, raising issues of confidence and no-confidence in the present cabinet. It is evident that the cabinet is on its trial. During the last 3 months the food situation has degenerated to such an alarming extent that the famine conditions which are now raging in Bengal are unprecedented in the annals of this province. There are signs that the famine that seems to be impending on us will be far more disastrous and devastating that the great famine of 1770 A.D. The present cabinet knows very well that it is entirely to blame for the situation and that it is unable to cope with it effectively. In order to escape public criticism, it has gagged the press and forbidden public meetings where food problems are likely to be discussed. In these circumstances, Sir John Herbert should allow the Opposition a fair chance of focussing public opinion inside the House in order that the Assembly may come to a decision on all questions on their merits. Of all the faults of which a Governor can be guilty, the fault of partisanship is the

most reprehensible. In England or in the English colonies such an attitude of a Governor would never be tolerated. A partisan Governor is no more fit for his high office than a partisan Judge. By being a partisan he acts contrary to his Instrument of Instructions and makes himself liable to removal from office.

It is a recognised legal maxim in England that even the King cannot by any means place himself above the law of the land. In the case of overseas dominions of the Crown, the same legal maxim holds good. There the Crown's agents, Governors and Governor-Generals are not even general representatives of the Sovereign but have powers delegated to them by the terms of their commission and may act lawfully only within the limits of their commission. They receive powers which though ample and adequate for the government of the territories committed to their charge are nevertheless definite, enumerated and well-defined. A Governor who acts in contravention of the terms of his commission makes himself liable to censure, judicial punishment or recall. Thus Lord Dalhousie in 1828, Lord Aylmar in 1834 and Sir Colin Campbell in 1840 were recalled on an address of the legislature to the Crown even though the Canadian Consitution Act of the time contained no provision for such recall. Lord Sydenham, the Governor-General of Canada in 1840, saw nothing objectionable in such address of the Assembly for the removal of the Governor. Australia, New Zealand and South Africa also furnish similar instances of recall of Governors by the Crown on an address of

the Legislature though the Constitution Acts of these Dominions had no specific provision for the purpose. In the Government of India Act, 1935, the powers of discretion and individual judgment vested in the Governor-General or the Governor are hedged by the remedial methods of (*a*) appeal to the Federal Court, (*b*) appeal to the judicial Committee of the Privy Council and (*c*) scrutiny by the House of Commons in order to prevent "the complete dictatorship" of the Governor-General or the Provincial Governor. It is therefore an outrage on the Constitution if a Governor-General or a Governor seeks to place himself above the law of the land by the exercise of his powers of discretion or individual judgment, and the legislature owes a duty to itself to help to discover and fight for constitutional remdies against such violation.

I am afraid I have trespassed too much on the patience of the House. I think I have made it abundantly clear that the fight that is going to take place between the present Ministry and the Opposition will be a fight between the forces of reaction, of tyranny and injustice on the one hand, and the representatives of the poverty-stricken people on the other. The high and mighty, the wealthy and the affluent will be on the side of the Ministers, and Opposition will be left to play their part under numerous difficulties and disadvantages. But I can assure the Ministers and their supporters that the Opposition will not lose heart, even if the Ministers are able to tide over this crisis. It is not the votes of the members of the Opposition which they

should dread, but the tormented cries of the famine-stricken people of Bengal which will bring Gods' curses on their heads. Sooner or later, Ministers who have been profiteering at the cost of the poverty-stricken millions of Bengal will find their doom and meet their fate. Sir John Herbert may protect them for a while, but there is a power far mightier than Governors or Viceroys or Secretaries of State. The mills of God grind slowly but they grind exceeding small; and sooner perpahs than Sir John Herbert or the supporters of the Ministers may think, *nemesis* will overtake those who had rushed into office not to serve the people but to enjoy the sweets of power and emoluments.

If there is actually famine as we apprehend, there is bound to be a revolution in Bengal and what happened in Russia can happen also in this far flung corner of the Eastern Hemisphere. The Ministers are mistaken if they think that false propaganda will save them from their inevitable destiny. They will not be saved, unless Providence in His Mercy deems it fit to forgive their sins and to give them a chance of redemption. For our part, we will go on doing our duty. We will not be disappointed or broken-hearted. If we fail to dislodge the present Ministers from power, the more they remain in office, the greater will be the catalogue of their sins, and some day sooner or later, they will be humbled to the dust even as tyrants and oppressors of humanity have met their doom in the chequered history of mankind.

Sir, one word more and I have finished. I have

made certain definite allegations against His Excellency the Governor. I have charged him with partisanship and violation of his Instrument of Instructions. The charges are either true and correct, or false and incorrect. The public have a right to know whether His Excellency accepts my allegations as true and correct or otherwise His Excellency is not without his remedy. Apart from issuing Government communiques or Press Notes, His Excellency the Governor has the right to address the House and let the Members know his version of the various incidents to which I have referred in my statement. The points raised are of the utmost constitutional importance and His Excellency would be extremely ill-advised if he allows the public to draw their own conclusions from his studied silence.

XV

Memorandum to the Government

by

(S. Bhagat Singh Mr. B. K. Dutt and other Prisoners of the Punjab conspiracy case).

30th January 1930.

Sir,

With reference to our telegram dated the 20th January, 1930 reading as follows, we have not been favoured with the reply :—

Home Member, India Governmet ; Delhi—"Under-trial Lahore Conspiracy case and the other political prisoners suspended hungerstrike on the assurance that the India Government was considering Provincial Jail Committee's Reports All India Govenment Conference over. No action yet taken. As vindictive treatment to political prisoners still continues we request we be informed within a week final Government decision. Lahore Conspiracy under trials."

Why they Suspended Hungerstrike. "As briefly stated in the above telegram we beg to bring to your kind notice that the Lahore Conspiracy Case undertrials and several other political prisoners confined in the Punjab Jails suspended hunger-strike on the assurance given by the members of the Punjab Jail Enquiry Committee that the question of the treat-

ment of the Poiltical prisoners was going to be finally settled to our satisfaction within a very short period. Further after the death of our great martyr. Jatindra Nath Das the marter was taken up in the Legislative Assembly and the same assurance was made publically by Sir James Crerar. It was then pronounced that there had been a change of heart and the question of the treatment of political prisoners was receiving the utmost sympathy of the Government. Such political prisoners, who were still on hunger-strike in Jails of the different parts of the country then suspended their hunger-strike on the request being made to this effect in a A.I.C.C, resolution passed in view of the said assurance and the critical condition of some of these prisoners.

"Since then all the local Governments have submitted their reports, a meeting of the Inspector-Generals of Prison of different provinces has been held at Lucknow and the deliberations of the All India Government Conference have been concluded at Delhi. The All India Conference was held in the month of December last. Over one month has passed by and still the Government of India has not carried into effect any of the final recommendations By such dilatory attitude of the Government we no less than the General public have begun to fear that perhaps the question has been shelved. Our apprehension has been strengthened by the vindictive treatment meted out to the huger-strikers and other political prisoners during the last four months, It is very difficult for us

to know the details of the hardships and sufferings to which the political prisoners are being subjected. Still the little information that has been trickled out of the four walls of the Jails is sufficient to furnish us with glaring instances. We give below a few such instances which we cannot but feel, is not in conformity with the Government's assurance.

"(1) Sj. B.K. Banerjee, who is undergoing 5 years imprisonment in connection with the Dakshineswar Bomb case in the Lahore Central Jail, joined the general hunger-strike last year. Now as a punishment of the same, for each day of his period of hunger-strike two days of remission so far earned by him has been forfieted. Under the usual circumstances his release was due in December last but it will be delayed by full four months.

"In the same jail similar punishment has been awarded to Baba Sohan Singh, an old man of about seventy now undergoing his sentence of transportation for life in connection with the Lahore Conspiracy Case. Besides, among others, S. Kabul Singh and S. Gopal Singh, confined in Mianwali Jail, Master Mota Singh in Rawalpindi Jail have also been awarded vindictive punishments for joining the general hungerstrike. In most of these cases the periods of punishment have been enhanced while some of them have been removed from special cases.

"(2) For the same offence *i.e.* joining the general huger-strike, Messrs. Sachindra Nath Sanyal, Ram Krishanà Katri and Suresh Chandra Bhatta Charya

confined in Agra Central Jail, *Raj*-Kumar Sinha, Monmotha Nath Gupta, Sachindra Nath Bakhshi and several other Kakori Conspiracy case prisoners have been severly punished. It is reliably learned that Mr. Sanyal was given bar-fetters and solitary cell confinement and as a consequence there has been a breakdown in his health. His weight has gone down by 16 pounds. Mr. Bhattacharya is reported to be suffering from tuberculosis. The three Bareilly Jail prisoners have also been punished. It is learnt that all the privileges were withdrawn. Even their usual right of interviewing with relatives and communicating with them were forfeited. They have all been considerably reduced in their weight. Two press statements have been issued in this connection in September 1929 and January 1930 by Pandit Jawahar Lal Nehru,

"(3) After the passing of the A.I.C.C. resolution regarding hunger-strike the copies of the same which were wired to different political prisoners were withheld by the Jail authorities. Further the Government even refused a Congress deputation to meet the prisoners in this respect.

"(4) The Conspiracy Case undertrials were brutally assaulted on the 23rd and 24th October 1929 by orders of high police officials. Full details have appeared in the press. The copy of the statement of one of us as recorded by the Special Magistrate Pt. Sri Krishna has been duly forwarded to you in a communication dated the 16th December 1929. Neither

the Punjab Government nor the Government of India felt it necessary to reply an acknowledgment receipt of our communication praying for enquiry. While on the other hand the local Government has felt the imperative necessity of prosecuting us in connection with the very same incident for offering voilent resistance.

"(5) In the last week of December 1929, Sj. Kiron Chandra Das and others confined in Lahore Borstal Jail while being taken to and produced in the Magistrate's Court were found hand cuffed and chained together in flagrant breach of the unanimous recommendations of the Punjab Jail Enquiry Committce and also of the Inspector General of Prisons, Punjab. It is further noteworthy that these prisoners were under-trials, charged for a bailable offence. A long statement issued by Dr. Mohammad Alam, Lala Duni Chand of Lahore and Lala Duni Chand of Ambala in this connection was published in the "Tibune."

To resume Hunger-Strike. " While we learnt of these and other sufferings of the political prisoners we refrained from resuming hunger-strike though we were much aggrieved, as we thought the matter was going to be finally settled at an early date. But in the light of the above instances, are we now to believe that all the untold sufferings of the hunger-strikers and the supreme sacrifice made by Jatindra Nath Das have all been in vain ? Are we to understand that the Government gave its assurance only to check the growing tide of the public agitation and

to avert a crisis? We hope you will agree with us when we say that we have waited patiently for a sufficiently reasonable period of time. But we cannot wait indefinitely the Government of its dilatory attitude and the continuation of vindictive treatment of political prisoners, have let us no other option but to resume the struggle.

"We realise that to go on hunger-strike and to carry on is no easy task. But let us at the same time point out that the revolutionaries can produce many more Jatins and Waziayas, Ram Rakhas and Bhan Singhs (the last two named laid down their lives in the Andaman Islands in 1917, the first breathed his last after 92 days of hunger-strike while the other died the death of a great hero after silently undergoing inhuman tortures for full six months).

"Enough has been said by us and the members of the public in justification of a better treatment of political prisoners and it is unnecessary here to repeat the same. We would, however, like to say a few words as regards the inclusion of motive as the basis and the most important factor in the matter of classification. We find that motive has altogether been excluded so far from the criteria suggested by different Provincial Governments. This is really a strange attitude It is through motive alone that the real value of any action can be decided. Are we to understand that the Government is unable to distinguish between a robber who robs and kills his victim and a Kharag Bahadur who kills a villain and saves the

honour of a young lady and redeems society of a most licentious paratise? Are both to be treated as two men belonging to the same category! Is there no difference between two men who commit the same offence, one guided by the selfish motive and the other by a selfless one? Similarly is there no difference between a common murderer and a political worker even if the latter resorts to violence? Does not his selflessness elevate his place from amongst those of ordinary criminals? In these circumstances we think that motive should be held as the most important factor in the criteria for classification.

Complicated Problem. Last year in the begining of our hunger-strike, when public leaders including Dr. Gopi Chand and Lala Duni Chand of Ambala (the last mamed being one of the signatories to the Punjab Jail Enquiry Committee's Report), approached us to discuss the same thing and when they told us that the Government considered it impossible to treat the political prisoners convicted for offences of a violent nature as special class prisoners, then by way of compromise we agreed to the proposal to the extent of excluding those actually charged with murder. But later on the discussion took a different turn, And the coummunique containing the terms of a reference for the Punjab Jail Enquiry Committee was so worded that the question of motive seemed to be altogether excluded and the whole classification was based on the two things. (1) Nature of offence, and (2) The Social Status of the offenders. This criteria instead

of solving the problem made it all the more complicated.

"We could understand two classes amongst the political prisoners. Those charged for non-violent offences and those charged for violent ones. But then creeps in the question of social status in the report of the Punjab Jail Enquiry Committee. As Chowdhary Afzal Haq has pointed out, and rightly too, in his note of dissent to this report what would be the fate of those political workers who have been reduced to paupers due to their honorary services in the cause of freedom ? Are they to be left at the mercy of Magistrate who will always try to prove the *bona fides* of his loyalty by classifying every one as an ordinary convict ? Or is it expected that a non co-operator will stretch his hand before the people against whom he is fighting as an opponent begging for better treatment in Jail ? Is this the way of removing the causes of dissatisfation or rather intensifying them ? It might be argued that people living in poverty outside the Jail should not expect luxuries inside the jail where they are detained for the purpose of punishment. But are the reforms that are demanded of a nature of luxury ? Are they not the bare necessties of life according to even the most moderate standard of living ? Instead of all the facilities that can possibly be demanded jails will remain jails. This prison in itself does not contain and cannot contain magnetic power to attract the people from outside. No body will commit offences simply to come to jail. Moreover, may we venture to say that it is very poor

argument on the part of the Government to say that its citizens have been driven to such extreme destitution that their standard of living has fallen even lower than that of their jails? Does not such an argument cut at the very root of that Government's right of existence?

Separate class for political Prisoners. "Any how, we are not concerned with that at present. What we want to say is that the best way to remove the prevailing dissatisfaction would be to classify political prisoners as such into a separate class which may further he subdivided, if need be, into two classes, one for those convicted of non-violent offences and the other for persons whose offences include violence. In that case, motive will become one of the deciding factors. To say that motive cannot be ascertained in the political cases is a hypoctical assertion. What is it that today prompts the Jail authorities to deprive the "Politicals" even of the ordinary privileges? What is it that deprives them of the special grades or numberdaries etc; What does make the authorities to keep them aloof and separate from all other convicts? The same things can help in the classfication also.

"As for the specific demands we have already stated them in full in our memorandum to the Punjab Jail Enquiry Committee. We should, however, particularly emphasise that no political prisoner, whatever his offence may be, should be given any hard and undignified labour for which he may not have apti-

tude. All of them confined in any one Jail should he kept together in the same ward. At least one standard daily newspapers in Vernacular or English should be given to them. Full and proper facilities for study should be granted. Lastly, they should be allowed to supplement their expenses for diet and clothing from their private sources.

"We still hope that the Government will carry into effect without further delay its promise made to us and to the public so that there may not be another occasion for resuming the hunger-strike. Unless and until we find a definite move on the part of the Government to redeem its promise, in the course of the next few days we shall be forced to resume hunger-strike."

XVI

Lahore Conspiracy Case Prisoners Refusal to Attend Court.

11th February 1930.
Special Magistrate
Lahore Conspiracy Case.

"In view of your statement and order, dated the 4th February, 1930 published in the "Civil and Military Gazette" bearing the date of 6th February, we feel it necessary to make a statement clearing the position of the accused as regards their "refusal" to come to your court so that any sort of misunderstanding and misrepresentation may not be possible.

"In the first place we should like to point out that we have not so far boycotted all the British Courts. We are attending the Court of Mr. Lewis,

who is trying us under section 32 of the Prison Act for the occurrence dated January 29, in your Court. But there are special circumstances that forced us to take this step in connection with the Lahore Conspiracy Case. We have been feeling from the very beginning th t due to the non-feasant attitude of the Court, and misfeasance and malfeasance on the part of Jail and police or other authorities, we are being harrassed ceaselessly but deliberately with a view to hamper our defence. Many of our grievances had been placed before you in a bail application a few days back. But while rejecting that petition on some legal grounds, you did not feel the necessity of even making a mention of the grievances of the accused, on the ground of which a prayer to bail was made.

"We feel that the first and foremost duty of a Magistrate is to keep his attitude quite impartial up and above both the prosecution and the defence parties. Even the Hon. Justice Ffords gave ruling that day, telling the Magistrate to be ever at an arm's length from the prosecution. The second most important thing that a Magistrate ought to keep by him is to see if the accused have any genuine difficulty in connection with the defence and to remove if any, otherwise the whole trial is reduced to a mere farce. But contrary has been the conduct of the Magistrate in such an important case where 18 youngmen are being tried for such offences as murder, dacoity and conspiracy for such they may, very likely, be sentenced to death.

"The main grounds on which we were forced not to attend your Court are to be following."

"(1) Majority of the accused hail from distant provinces and all are middle class people. In these circumstances it is very difficult nay altogether impossible for their relatives to come here every now and then to help them in their defence. They wanted to hold interviews with some of their friends whom they could entrust with all the responsibilities of their defence. Even commonsense says that they are entitled to those interviews. But in this court the repeated requests made to that effect have, one and all, gone unheard,

"Mr. B.K. Dutt belongs to Bengal and Mr. Kanwal Nath Tiwari to Behar. Both of them wanted to interview their friends Shrimati Kumari Lajyawati and Shrimati Prabha Devi respectively. But the Court forwarded all their applications to the Jail authorities who in their turn rejected them on the plea that interviews could be allowed to relatives and counsel only. Again the matter was brought to your notice, but no step was taken to enable the accused to make the necessary arrangements for their defence. Even after they had appointed those friends as their attorneys, and the attorney's power has been attested by this very Court no interview was allowed to them. And the Magistrate even refused to write to the Jail authorities that the accused demanded the said interview's for defence purposes in connection with the case which he himself was trying. And the

accused thus handicapped could not even move the Higher Courts. But the trial was being proceeded with. In these circumstances the accused felt quite helpless and for them the trial had no other value than a mere farcical show. It is noteworthy that the majority of the accused were going unrepresented.

"I am an unrepresented accused and could not afford to engage whole time counsel to represent me throughout the lengthy trial. I wanted his legal advice on certain points. And at a certain stage I wanted him to watch the proceedings personally to be in a better position to form his own opinion. But he was refused even a seat in the body of the Court. Was this not a deliberate move on the part of the authorities concerned to harass us to hamper our defence? Counsels attend the Courts to watch the interests of their clients who are not present, nor even represented by them. What are the 'special circumstances of his case' that forced the Magistrate to adopt such a rude attitude towards a barrister, thus discouraging any Counsel who might be invited to come to assist the accused? What was the justification in allowing L. Amar Das to occupy the chair of defence. when he no longer represented any party nor gave any legal advice to any person? I was to discuss with my legal adviser the question of interviews with attorney, and to insruct him to move the High Court on this point. But I could not get the portunity to discuss it with him at all and nothing could be done. What does this all amount to? Is this

not throwing dust into the eyes of the public by showing that the trial is being held quite judicially, though on the other hand, due to all this high-handedness, the accused do not absolutely get any opportunity to make any arrangements for their defence. This is what we protest against.

"Either there shall be a fair play or no show even. We cannot see injustice being done in the name of Justice. In these circumstances we all thought fit that either we should have a fair chance of defending ourselves or be prepared to bear the sentence passed against us in a trial held in our absence.

"The third main grievance is about supply of the newspapers. The under trials as such should never be treated as convicts, and only such restriction can be justifiably imposed upon them as may be extremely necessary for their safe custody. Nothing beyond that can be justified. The accused, who cannot he released on bail, should never he subjected to such hardships which may amount to punishment. Hence every literate under-trial is entitled to get at least one standard daily newspaper. The "Executive" agreed on certain principle to give one daily English newspaper in the Court.

But things done by half are worst than not being done at all. But repeated requests asking for vernacular paper for non-English-reading accused proved to be futile. We had been returning "The Tribune" daily in protest against the order refusing a vernacular paper. Anyhow those were the three main grounds on which we announced on the 29th January about our refusal to come to the Court. As soon as these grievances will be removed we will ourselves quite willingly come to attend the Court.

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Gandhi Sir Samuel Hoare Correspondence

Yervada Central Prison, March 11th 1932

:' You will perhaps recollect that at the end of my speech at the Round Table Conference when the minorities claim was presented, I had said that I ahould resist with my life the grant of separate electorate to the Depressed Classes. This was not said in the heat of the moment nor by way of rhetoric. It was meant to be a serious statement.

"In pursuance of that statement I had hoped, on my return to India, to mobilize public opinion against separate electorate, at any rate for the Depressed classes. But it was not to be.

"From the newspapers I am permitted to read, I observe that any moment His Majesty's Government may declare their decision. At first, I had thought that if the decision was found to create separate electorates for the Depressed Classes, I should take such steps as I might then consider necessary to give effect to my vow. But I feel it would be unfair to the British Government for me to act without giving previous notice. Naturally, they could not attach the significance I give to my statement.

"I need hardly reiterate all the objections I have to the creation of separate electorates for the Depressed Clasess' I feel as if I was one of them. Their case stands on a wholly different footing from that of others. I am not against their representation in the

legislatures. I should favour everyone of their adults, male and female, being registered as voters-irrespective of education or property qualifications, even though the franchise last may be stricter for others. But I hold that separate electorate is harmful for them, and for Hinduism, whatever it may be from a purely political standpoint. To appreciate the harm that separate electorates would do them, one has to know how they are distributed amongst the so-called Caste-Hindus and how dependent they are on the latter. So far as Hinduism is concerned, separate electorate would simply vivisect and disrupt it. For me, the question of these classes is predominantly moral and religious. The poliitical aspect, important though it is, dwindles into insignificance compared to the moral and religious issue. You will have to appreciate my feelings in this matter by remembering that I have been interested in the condition of these classes from my boyhood, and have more than once staked my all for their sake. I say this not to pride myself in any way. I feel that no penance caste-Hindus may do can, in any way, compensate for the calculated degradation to which they have consigned the Depressed Classes for centuries. But I know that separate electorate is neither penance nor any remedy for the crushing degradation they have groaned under.

"I therefore respectfully inform His Majesty's Government that, in the event of their decision creating separate electorate for the Depressed Classes, I must fast unto death. I am painfull conscious of the

fact that such a step, whilst I am a prisoner, must cause grave embarrassment to His Majesty's Government, and that it will be regarded by many as highly improper on the part of one holding my position to introduce into the political field, method which they would describe as hysterical, if not much worse. All that I can urge in defence is that, for me, the contemplated step is not a method, it is a part of my being. It is the call of conscience which I dare not disobey even though it may cast whatever reputation for sanity I may possess.

"So far as I can see now, my discharge from imprisonment would not make the duty of fasting any the less imperative. I am hoping, however, that all my fears are wholly unjustified and that the British Government have no intention whatever of creating seperate electorate for the Depressed Classes.

"It is perhaps as well as for me to refer to another matter that is agitating me and which may also enforce a similar fast. It is the way repression is going on. I have no notion when I may receive the shock that would compel the sacrifice. Repression appears to me to be crossing what might be called legitimate. Government terrorism is spreading through the land. Both English and Indian officials are being brutalised. The latter, high and low, are becoming demoralised by reason of the Government regarding as meritorious, disloyalty to the people and inhuman conduct towards their own kith and kin. The latter are being cowed down. Free speech has been stifled. Goondaism is

being practised in the name of law and order. Women who have come out for the public service stand in the fear of their honour being insulted. And all this, as it seems to me, is being done in order to crush the spirit of freedom which the Congress represnts. Repression is not confined to punishing civil breaches of the common law. It goads people to break the newly made Orders of autocracy, designed for the most part, to humiliate them.

"In all these doings, as I read them, I see no spirit of democracy. Indeed, my recent visit to Enland has confirmed my opinion that your democracy is a superficial circumscribed thing. In the weightiest matters, decisions are taken by individuals or groups without any refernce to the Parliament and these have been ratified by members having but a vague notion of what they were doing. Such was the case with Egypt and the war of 1914 and such is the case with India. My whole being rebels against the idea that in a system called democratic, one man should have unfettered power of affecting the destiny of an ancient people numbering over three hundred millions. and that his decisions can be enforced by mobilsing the most terrible forces of destruction. To me this is a negation of democracy.

"And this repression cannot be prolonged without further embittering the already bitter relations between the two people. In so for as I am responsible and can help it, how am I to arrest the process? Not by stopping Civil Disobedience. For me it is an article

of faith. I regard myself by nature a democrat. The democracy of my conception is wholly inconsistent with the use of physical force for enforcing its will. Civil Resistance, therefore, has been conceived to be a proper substitute for physical force, to be used where-ever generally the latter is held necessary or justifiable. It is a process of self-suffering, and a part of the plan is that in given circumstances, a civil resister must sacrifice himself even by fasting to a finish. That moment has not yet arrived for me. I have no undeniable call from within for such a step. But events happening outside are alarming enough to agitatre my fundamental being. Therefore, in writing to you about the possibility of a fast regarding the Depressed Classes, I felt I would be untrue to you if I did not tell you also there was another possibility, not remote, of such a fast.

"Needless to say, from my side absolute secrecy has been maintained about all the correspondence I have carried on with you. Of course, Sardar Vallabhbhai Patel and Mr. Mahadev Desai, who have just been sent to join us know all about it. But you will no doubt make whatever use you wish of this letter."

Sir Samuel Hoare's Reply

The following is the letter dated April 13th, 1932 from Sir Samuel Hoare to Mahatma Gandhi:—

" I write in answer to your letter of the 11th March and I say at once that I realise fully the strength of your feeling upon the question of eparate electorates for the depressed classes. I can only say that we

intend to give you any decision that may be necessary solely and only upon the merits of the case. As you are aware, Lord Lothian's Committee has not yet completed its tour, and it must be some weeks before we can receive any conclusion which it may have arrived. When we receive the report we shall have to give most careful consideration to its recomendations and we shall not give a decision until we have taken into account; in addition to the views expressed by the committee, the views that you and those who think with you have so forcibly expressed. I feel sure that if you were in our position, you would be taking exactly the same action we intend to take. You would await the Committee's Report, you would then give it your fullest consideration, and before arriving at a final decision, would take into account the views that have been expressed on both sides of the controversy. More than this, I cannot say. Indeed, I do not imagine that you would expect me to say more.

"As to the ordinances, I can only repeat what I have already said, both publicly and privately. I am convinced that it was essential to impose them in the face of the deliberate attack upon the very foundations of ordered Government. I am also convinced that both the Government of India and the Local Government are not abusing their extensive powers and are doing everything possible to prevent excessive or vindictive action. We shall not keep the emergency measures in force any longer than we are obliged to for the purpose of maintaining the essentials of law

and order, and protecting our officials and other classes of the community against terrorist outrages."

Gandhiji's — MacDonald

The following is a letter from Gandhiji, dated Yervada Central Prison, August 18, to the Prime Minister :—

" There can be no doubt that Sir Samuel Hoare has showed you and the Cabinet my letter to him of 11th March on the question of the representation of the 'Depressed Classes'. That letter should be treated as part of this letter, and be read together with this.

" I have read the British Government's decision on the respresentation of the minorities and have slept over it. In pursuarance of my letter to Sir Samuel Hoare and my declaration at the meeting of the Minorities Committee of the Round Table Conference on the 13th November 1931, at St. James' Palace, I have to resist your decision with my life. The only way I can do so is by declaring a perpetual fast unto death from food of any kind save water with or without salt and soda. This fast will cease if during its progress, the British Government, of its own motion or under the pressure of public opinion, revise their decision and withdraw their scheme of communal electorates for the Depressed classes, whose representative should be elected by general electorates under common franchise—no matters how wide it is.

" The proposed fast will come into operation in the ordinary course from the noon of 20th September next, unless the said decision is meanwhile revised in

the manner suggested above.

"I am asking the authorities here to cable the text of this letter to you, so as to give you ample notice. But, in any case, I am leaving sufficient time for this letter to reach in time by the slowest route.

"I also ask that this letter and my letter to Sir Samuel Hoare, already referred to, be published at the earliest possible moment. On my part, I have scrupulously observed the rule of the Jail, and have communicated my desire or the contents of the two letters to no one save my two companions Sardar Vallabhbhai Patel and Sht. Mahadev Dasai. But I want, if you make it possible, public opinion to be affected by any letters. Hence, my request for their early publication.

"I regret the decision that I have taken. But as a man of religion that I hold myself to be, I have no other course left open to me. As I have said in my letter to Sir Samuel Hoare, even if His Majesty's Government decided to release me in order to save themselves embarrassment, my fast will have to continue. For I cannot now hope to resist the decision by any other means. And I have no desire whatsoever to compass my release by any means other than honourable.

"It may be that my judgment is warped, and that I am wholly in error in regarding separate electorates for the 'Depressed Classes' as harmful to them or Hinduism. If so, I am not likely to be in the right with reference to other parts of my philosophy of life. In that case, my death by fasting will be at once a penance for my error, and a lifting of a weight from off

those numberless men and women who have a child like faith in my wisdom. Whereas if my judgment is right, as I have little doubt it is, the contemplated step is but a due fulfilment of the scheme of life which I have tried for more than a quarter of a century apparently not without considerable success.

The Premier's Reply

Letter from Mr. Ramsay MacDonald, 10 Downing Street, dated September, 8th 1932.—

I have received your letter with much surprise, and let me add with very sincere regret. More-ever, I cannot help thinking that you have written it under a misunderstanding as to what the decision of His Majesty's Government as regards the Depressed classes really implies.

"We have always understood that you were irrevocably opposed to permanent segregation of the Depressed classes from fhe Hindu community. You made your position very clear on the Minorities Committee of the Round Table Conference, and you expressed it again in the letter you wrote to Sir Samual Hoare on the 11th March. We also knew that your view was shared by a great body of Hindu opinion, and therefore took it into most careful account when we were considering the question of the representation of the Depressed classes.

"Whilst in view of the numerous appeals we have received from the Depressed Classes organisations and the generally admitted social disabilities under which they labour, and which you have recognised, we felt it

our duty to safegaurd what we believed to be the right of the Depressed Classes to a fair proportion of representation in the legislatures, we were equally careful to do nothing that would split off their community from the Hindu world. You yourself stated in your letter of March 11th that you were not against their representation in the legislatures. Under the Government's scheme, the Depressed Classes will remain part of the Hindu community and will vote with the Hindu electorate on an equal footing, but for the first twenty years, while still remaining electorally part of the Hindu community, they will receive through a limited number of special constituencies, the means of safeguarding their rights and intrests that we are convinced is necessary under the present conditions. Where these constituencies are created, the members of the Depressed Classes will not be deprived of their votes in the general Hindu constituencies, so that their membership of the Hindu community should remain unimpaired. We decided against the creation of what you described as communal electorate for the Depressed Classes voters in the general or Hindu constituencies, so that the higher caste candidates should have to solicit their votes of higher castes at the election. Thus, in every way, was the unity of Hindu society preserved.

"We felt, howere, that during the early period of Responsible government, when power in the Provinces would pass to whoever possessed a majority in the Legislatures, it was essential that the Depressed Classes

whom you have yourself described in your letter to Sir Samual Hoare as having been consigned by Caste-Hindus to calculated degradation for centuries, should return a certain number of members of their own choosing to the legislatures of seven of the nine Provinces to voice their grievances and their ideals and prevent decisions going against them without the legislature and government listening to their case—in a word to place them in a position to speak for themselves, which every fair-minded person must agree to be necessary. We did not consider the method of electing special representatives by reservation of seats in the existing conditions under any system of franchise which is practicable, of membars who could genuinely represent them and be responsible for them, because in practically all cases such members would be elected by a majority consisting of the Higher Caste Hindus.

"The special advantage initially given under our scheme to the Depressed Classes by means of a limited number of special constituencies in addition to their normal electoral rights in the general Hindu constituencies, is wholly different in conception and effect from the method of representation adopted for a minority such as, Moslems, by means of separate communal electorate. For example, a Moslem can not vote or be a candidate in a general constituency, whereas any electorally qualified member of the Depressed Classes can vote in and stand for general constituency. The number of territorial seats alloted

to Moslems is naturally conditioned by the fact that it is impossible for them to gain any further territorial seats, and in most provinces they enjoy weightage in excess of their population ratio. The number of special seats to be filled from special Depressed Class contituencies will be seen to be small, and has been fixed, not to provide a quota numerically appropriate for the total representation of the whole of the Depressed Class population, but solely to secure a minimum number of spokeman for the Depressed Classes in the legislature who are chosen exclusiuely by Depressed Classes. The proportion of their special representation is everywhere much below the population percentage of the Depressed Classes.

"As I understand your attitude, you propose to adopt the extreme course of starving yourself to death, not in order to secure that the Depressed Classes should have joint electorates with other Hindus, because that is already provided, nor to maintain the unity of the Hindus, which is also provided, but solely to prevent the Depressed Classes, who admittedly suffer from terrible disablilities to-day, from being able to secure a limited number of representatives of their own choosing to speak on their behalf in the legislatures, which will have a dominating influence over their future. In the light of these very fair and cautious proposals, I am quite unable to understand the reason of the decision you have taken and can only think that you have made it under a misapprehension of the actual.

" In response to a very general request from Indians after they had failed to produce a sattlement themselves, the Government, much against its will, undertook to give a decision on the Minorities question. They have now given it, and they can not be expected to alter it except on the conditions they have stated. I am afraid, therefore, that my answer to you must be that the Government's decision stands, and that only an agreement of the communities themselves can substitute other electoral arrangements for those that the Government have devised, in a sincere endeavour to weigh conflicting claims on their just merit.

" You ask that these correspondence, including your letter to Sir Samuel Hoare of March 11th should be published. As it would seem to me unfair if your present internment were to deprive you of the opportunity of explaining to the public the reason why you intend to fast, I readily accede to the request if, on reconsideration, you repeat it. Let me, however, once aggin urge you to consider the actual details of the Government's decision; and ask yourself seriously the question whether it really justifies you in taking the action you contemplate."

Gandhiji's final letter to MacDonald

Yeravada Central Prison 9th September 1932

" I have to thank you for your frank and full letter telegraphed and received this day. I am sorry, however, that you put upon the contemplated step on interpretation that never crossed my mind. I have

claimed to speak on behalf of the very class, to sacrifice whose interests you impute to me a desire to fast myself to death. I had hoped that the extreme step itself would effectively prevent any such selfish interpretation. Without urging, I affirm, that for me, this matter is one of pure religion. The mere fact of the Depressed Classes having double votes does not protect them or the Hindu Society in general from being disrupted. In the establishment of separate electorate at all for the Depressed Classes, I sense the injection of a position that is calculated to destroy Hinduism and do no good whatever to the Depressed Classes.

"You will please permit me to say; no matter how sympathetic you may be, you cannot come to a correct decision on a matter of such vital and religious importance to the parties concerned. I should not be against even over-representation of the Depressed Classes. What I am against is their statutory separation, even in a limited form, from the Hindu fold so long as they choose to belong to it.

"Do you realise that, if your decision stands and the constitution comes into being, you arrest the marvellous growth of the work of the Hindu reformers who have dedicated themselves to the uplift of their suppressed brothren in every walk of life? I have therefore been compelled reluctantly to adhere to the decision conveyed to you.

"As, your letter may give rise to a misunderstanding. I wish to state that the fact of my having isolated for special treatment the Depressed Classes question from other parts of your decision does not in any way mean that I approve of or am reconciled to other parts of the decision. In my opinion, many other parts are open to a very grave objection. Only, I do not consider them to be any warrant for calling from me such self-immolation as my conscience has prompted me to in the matter of the Depressed Classess."